



A1
988
0021

COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON WEDNESDAY, APRIL 12, 1989

VOLUME 37

COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE



B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON WEDNESDAY, APRIL 12, 1989

VOLUME 37

NETWORK COURT REPORTING LTD.



Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

<https://archive.org/details/31761119698686>

(i)

C O U N S E L:

ROBERT ARMSTRONG, Q.C. MS. K. CHOWN	on behalf of the Commission
MR. A. PRATT	on behalf of Charles Francis
MR. E. FUTERMAN MR. LIPKUS	on behalf of Ben Johnson
MR. SOOKRAM MR. L. LEVINE	on behalf of Dr. M. G. Astaphan
MR. DePENCIER	on behalf of the Government of Canada
MR. STEINECKE MR. T.J. CALDWELL	on behalf of the College of Physicians and Surgeons of Ontario
ROGER BOURQUE	on behalf of the Canadian Track and Field Association
MR. D. MANN	on behalf of the Canadian Olympic Association

I N D E X O F W I T N E S S E S

NAME	PAGE NO.
DESAI WILLIAMS, Recalled	6446
Examination by Pratt	6446
Examination of Levine	6494
Examination by Futerman	6508
Examination by Bourque	6514
Examination by Armstrong	6522
Examination by The Commissioner	6541
MIKE SOKOLOWSKI: Sworn	6558
Examination by Ms. Chown	6558
Examination by Mr. Pratt	6646
Examination by Mr. Steinecke	6658
Examination by Mr. Sookram	6666
Examination by Mr. Bourque	6680
Examination by Mr. DePencier	6690
Examination by Mr. Futerman	6691

--- Upon commencing.

THE COMMISSIONER: Sorry for the delay, I had a few matters I had to attend to.

Mr. Williams, you have already been sworn.
5 Mr. Pratt.

MR. PRATT: Thank you, Mr. Commissioner.

DESAI WILLIAMS: Recalled

10 --- EXAMINATION BY MR. PRATT: (Cont'd)

Q. Now, I think where we left off yesterday, Mr. Williams, we were exploring the year-and-a-half period between April of 1982 when you saw Dr. Koch and your decision to leave the Francis group in
15 the fall of 1983. So, I would like to for a few moments explore in some more detail that year and a half.

Now, during that time, about how regularly would you see Charlie Francis?

A. Five days a week.

20 Q. Throughout the time?

A. Pardon?

Q. Throughout the time, throughout the
years?

A. Workouts, workouts.

25 Q. So, you would be training, he would be

at the York track or York facility?

A. Correct.

THE COMMISSIONER: You were in serious training at that time, Mr. Williams?

5 THE WITNESS: And also attending university at the time, too.

THE COMMISSIONER: And attending university, okay.

10 MR. PRATT:

Q. These workouts would be a number of hours a day, we have heard from a few witness now?

A. Yes.

Q. It's a great deal of work?

15 A. Right after I'm finished with my classes, I would be over at the track, yes.

Q. Would Mr. Francis be physically present during a number of hours a day? Is that fair to say during your workouts?

20 A. That's fair enough.

Q. And you would have, I take it, frequent conversations with him about your training, about up-coming competitions?

A. At times, yes.

25 Q. Things of that nature?

A. Correct.

Q. And can you estimate for me roughly how frequently the subject of steroids would come up in these conversations?

5 A. Not too often.

Q. Could you put it in a ball park, would it be once a day, once a week, once a month, any estimate of that type?

10 A. That's pretty vague, I can't comment on that. I can't tell you exactly if once a day, no, definitely not.

15 Q. Would you agree with me, Mr. Williams, that Charlie Francis when it comes to coaching and training is a very curious person, he is always on the lookout for more information?

A. You could say that, yes.

Q. That that as a coach he, I think -- I think it's fair to summarize his own evidence that he has an intense --

20 A. He has his own philosophy as a coach, yes.

Q. That he goes to great lengths to continue to learn as a coach, to learn new methods of training, is that fair?

25 A. I wouldn't say learn new methods. I

think Charlie's philosophy was, you know, you have to do a lot of speed work and everything else. And he was pretty much set. I mean he was the only coach basically that had that sort of philosophy.

5 Q. Would it not be consistent with that type of an approach to coaching that if he believed that his athletes were taking anabolic steroids, he would continually be interested and curious about the effect that these drugs were having?

10 A. I can't comment on that, sir.

Q. Even in a hypothetical sense, not in relation to yourself, in relation to another athlete, would it not be reasonable --

15 THE COMMISSIONER: I think if you just ask him what he knows himself.

MR. PRATT: Thank you, Mr. Commissioner.

MR. PRATT:

20 Q. But you had frequent discussions with him about your training?

A. Most of the times, yes.

Q. All right. Were you lifting weights at the time?

A. In '81-'82?

25 Q. '82-'83?

A. Yes, I was.

Q. All right. You talked about what your bench press was from time to time, I take it?

A. Yes, in 1982 -- to recall exactly in
5 1982-'83, my bench press was about 300 pounds. And I used
to lift, because I was attending York University, I used
to lift for the football player because usually I get out
of the class I would say about 2:30, 3:00 and it's pretty
difficult for me to wait around for 3:30 when the whole --
10 the rest of group attend the track, you know, to train.
So, I used to --

THE COMMISSIONER: You would work out with
the football players; is that right?

THE WITNESS: Just to lift, just basically
15 lifting weights, yes.

THE COMMISSIONER: All right.

MR. PRATT:

Q. Can you recall for me what your bench
20 press was prior to April of 1982?

A. Prior to April of 1982?

Q. Yes?

A. I told you already in that -- within
that range, 300 pounds.

25 Q. Say 1981, the summer of 1981?

A. Within that range, sir.

Q. All right. So, your evidence is that there wasn't an appreciable change in that period?

A. No.

5 Q. All right. Did you run in any track meets, sir, in the years '82 and '83 which were drug tested?

A. Yes, I did.

10 Q. Now prior to those meets, did you have any conversations with Mr. Francis about drug testing at those meets?

A. No, I didn't.

15 Q. During that period of time I take it you would be regularly training with and talking to Angella Issajenko?

A. Not really, not really.

Q. But she was there and training at the same facility?

20 A. Yes, she was a friend, but she was not, you know, she wasn't a -- like a real personal friend that I would really confide in or anything of the sort.

Q. And you were training with Ben Johnson?

A. Correct.

Q. Tony Sharpe?

25 A. Correct.

Q. And Molly Killingbeck?

A. Correct.

Q. And I think you said Mark McKoy and you were close. Were you training with him at the time?

5 A. Mark and I attended York University at the same period of time, same classes, basically everything. So, we used to go to the track also at the same time.

10 Q. During this year-and-a-half period, did you ever have any discussions with any of those athletes regarding anabolic steroids?

A. No, I did not.

Q. Not about your own use?

A. No, I did not.

15 Q. Not about their use?

A. No, I did not.

Q. Or anybody else's use?

A. I was not interested in anybody else's stuff, sir.

20 Q. Were you aware, sir, that among the other track athletes at York, you said there were football players as well?

A. Correct.

25 Q. There were a number -- I take it there were a number of different sport disciplines represented

in the people who were training at this facility?

A. Correct.

Q. So, you have football players?

A. Correct.

5 Q. Weightlifters?

A. York never had a weightlifting program,
no. So, I would say no weightlifters.

Q. Was there throwing athletes, sir?

A. From York University?

10 Q. Yes?

A. Not that I can recall within --

Q. Training at this facility, were there
any --

A. Yes, there were.

15 Q. -- throwing athletes. All right. Did
you become aware through any of these other athletes of
any discussion about anabolic steroids?

A. No, I did not.

20 Q. Now, Mr. Francis gave some evidence
about a discussion with you some time before the 1983
season regarding an injury that you had suffered.

A. That was Charlie's statement, yes.

Q. That's his evidence, yes.

A. Yes.

25 Q. Do you remember having an --

THE COMMISSIONER: You might be more specific as to when that was.

MR. PRATT: I tried to check my notes, Mr. Commissioner, and I don't have a specific note --

5 THE WITNESS: I checked for you, if you mind.

MR. PRATT: Pardon?

THE WITNESS: I checked last night.

MR. PRATT: All right. My understanding
10 was that it was sometime --

THE COMMISSIONER: He knows -- you recall Mr. Francis saying --

THE WITNESS: It was in '82, if you want to recall, after I got hurt at York University. Mr.
15 Francis said I was attempting to run a world record where I got hurt.

MR. PRATT:

Q. I was just going to ask you, sir, if
20 you did suffer an injury?

A. Yes, I did.

Q. And when that was?

A. That was in the indoor season of 1982.

Q. Can you tell me roughly the month?

25 A. Say about February, in February-March,

because I missed the CIAU's and the OEU's, which is the Ontario University Athletic Association Championships.

Q. So, to put this in context, this would be prior to the visit to the doctor in April?

5 A. But I said before that as far as I can recall, I did not see a doctor in 1982, April of '82.

MR. PRATT: Okay. Fair enough.

THE COMMISSIONER: I think Mr. Williams never admitted seeing Dr. Koch in April '82. Is that
10 right, you don't recall seeing Dr. Koch --

THE WITNESS: No, sir.

THE COMMISSIONER: -- in April '82.

MR. PRATT: Well, I am just going by the dates, sir, of the doctor's records.

15 THE COMMISSIONER: I know, that is what was put to him by Ms. Rothstein, but I don't think he's ever admitted that he actually saw Dr. Koch in April of 1982. That's right, Mr. Williams, is it?

THE WITNESS: Correct, sir.

20 MR. PRATT: Fair enough.

THE COMMISSIONER: What was put to him was Dr. Koch's record and he doesn't accept that.

MR. PRATT: I apologize, Mr. Commissioner, if I misstated the evidence.

25

MR. PRATT:

Q. When you did see Dr. Koch, you did discuss an injury?

A. That was in the fall of 1981, sir.

5 Q. Fall of '81?

A. Correct, sir.

Q. All right. So, now you are talking about about a subsequent injury?

A. Correct, sir.

10 Q. All right. Was there another injury in the fall of '82 that you suffered of any description?

A. No, sir.

15 Q. So, that you not only don't recall having a discussion with Mr. Francis, you don't recall having an injury --

A. In the fall?

Q. Immediately prior to the 1983 season?

A. No, I did not.

20 Q. Are you saying that you don't recall this conversation with Mr. Francis or that it didn't occur?

A. We did not have a discussion because I looked at the tapes yesterday from Charlie's testimony, and it says in 1982 where I was attempting to run a world record, I got hurt. And I came to him, and I said to him,

25

these were my exact words to Charlie, quote from Charlie, that I said to Charlie, that the reason why I got hurt was because I was taking steroids. And Charlie said, no, it wasn't, it was because of overtraining.

5 And going back to following along with that statement that was said by Charlie, would it make sense to you that I would go and see a doctor when I already said, according to Charlie, that steroids was the one that caused my injury to go to see a doctor and ask him for
10 steroids. I mean, does it make sense to you --

Q. All right.

A. -- that I would ask for something that already attributed to an injury.

Q. Okay. Regardless of the time --

15 THE COMMISSIONER: Excuse me, that wasn't the question. Did you -- you never had that discussion with Mr. Francis?

THE WITNESS: No, I did not, I am just going by what Charlie's statement was.

20 THE COMMISSIONER: I understand that, but you deny having that statement?

THE WITNESS: I did not.

THE COMMISSIONER: All right.

25

MR. PRATT:

Q. I take it from your evidence in general, sir, it would be your view at the time that if you had gone to Mr. Francis and said, Charlie, I don't
5 want to go on steroids, either because of an injury or for some other reason, that he would have rejected that view?

A. Correct. The only time that I mentioned that to Charlie was when I left the group in the fall of '83. I said the reasons why I was leaving was
10 because of that. And I made that clear yesterday.

Q. Okay. Well, I will get back to that. At this point I am still trying to explore this intervening period of time.

Now, Mr. Francis gave evidence that you had
15 approached him on behalf of Molly Killingbeck, I believe, and relayed a request from her to go on an anabolic steroids?

A. That's incorrect.

Q. You deny that ever occurred?

20 A. I deny that ever occurred.

Q. You received a bottle, I believe, from Mr. Francis?

A. That's correct.

Q. And did you ever look inside this
25 bottle, sir?

THE COMMISSIONER: You said he received pills on two occasions?

THE WITNESS: Exactly.

THE COMMISSIONER: Which one are you
5 referring to now?

MR. PRATT: I am sorry, sir, I am talking --
I am not talking about the one you obtained the day of the
visit to the doctor, but the one you obtained
subsequently?

10 A. Correct.

Q. I think both you and Ms. Killingbeck
said that it was in a vitamin bottle.

A. Correct.

Q. When you received this bottle from --
15 when you received these pills, I should say, from Mr.
Francis, what type of container were they in?

A. I told you it was in a Herbalife vial.
A little, sort of like a -- how can you put it -- a small
vitamin bottle.

20 Q. Did you take the pills out and put them
in any other container?

A. No, I did not. They stayed in that
container up until last year.

Q. Ms. Killingbeck, I believe, said that
25 in evidence that you had taken them out of the original

container and put them in the vitamin bottle?

A. No, I did not.

Q. So, you would disagree with that?

A. I -- no, Molly did not say that either,
5 but I totally disagree if she said that.

Q. I am sorry, that was my recollection of
her evidence. Did you ever see the pills that were inside
the bottle?

A. They were blue.

10 Q. They were blue pills?

A. Yes.

Q. Did you open the bottle to look at the
pills?

A. Yes, the bottle was brown; yes, I did.

15 Q. It was a brown clear, was it broken
opaque?

A. It was brown that you could not see in
to the bottle. It was dark bottle with a labelling around
it.

20 Q. So, to see the pills, you had to take
the cap off?

A. You had to take the cap off, yes.

Q. Did you take the pills out in your
hand?

25 A. No, I just looked at them.

Q. Now, did you conceal the bottle in the trunk, or was that something Ms. Killingbeck did?

A. That's what Molly did.

Q. All right. Now, Mr. Francis has
5 told --

THE COMMISSIONER: I am sorry, did you hand the bottle over to -- I think you said yesterday --

THE WITNESS: They stayed in the kitchen where we usually keep our vitamins at the time.

10 THE COMMISSIONER: I think you said yesterday that you didn't know she took the pills until you heard that evidence here?

THE WITNESS: Exactly, sir.

THE COMMISSIONER: I see.

15

MR. PRATT:

Q. So, are you saying that the concealment that she described was something that you didn't know anything about?

20

A. Pardon?

Q. She described concealing them in a trunk, I think that would be fair to say?

A. She put them in the drunk, yes.

Q. And you didn't know they were in the
25 trunk?

A. I knew she put them in the trunk.

Q. You did know that?

A. I did know that she put them into the trunk.

5 Q. So, if you did want to get at this bottle, you knew where the bottle was?

A. But I mean if it was in the trunk and there was stuff stored on it, I mean that would be silly place for me to put something if I wanted to get at it, 10 wouldn't it, for every morning to go and move something off, move something out, lift open the trunk and dig into it. I mean it's --

Q. I am asking the questions.

A. Well --

15 THE COMMISSIONER: All right.

MR. PRATT:

Q. We have had some evidence from Mr. Francis about the introduction in 1982 of a new anabolic 20 steroid called Winstrol. I think you told us yesterday that you had no recollection of any discussions about that --

A. That's correct.

Q. -- substance whatsoever?

25 A. He said Winstrol and Stanozolol

yesterday. Correct, I did not.

Q. This was not a name that you had heard --

A. No, sir.

5 Q. -- while you were at the -- in the Francis group at this point?

A. No, sir.

Q. Do you -- I have spoken to Mr. Francis overnight, sir, and he would be prepared to return and
10 give further evidence if necessary --

A. That's fine with me, sir.

Q. -- regarding a meeting that he recalls as being in Berne, Switzerland sometime in the summer of 1982. Do you recall being there?

15 A. In Berne?

MR. FUTERMAN: Mr. Commissioner, this is happened before and I think there is something in my opinion improper about a counsel giving evidence that a client of his may give in the witness box, especially when
20 that client has already given his evidence.

THE COMMISSIONER: You have done that yourself. I mean he said -- he is prepared to recall him.

MR. FUTERMAN: But the evidence has already been given, now he is giving evidence that may or may
25 not --

THE COMMISSIONER: I understand this was a matter that was not discussed before. Is that right?

MR. PRATT: Well, sir, I believe that the meeting was referred to, but it wasn't -- it wasn't
5 located in a specific place.

THE COMMISSIONER: I think he has talked to his client and has a question to put. There is nothing wrong with that, Mr. Futerman. It happens all the time.

MR. FUTERMAN: With great respect, Mr.
10 Commissioner, until that evidence is here, I think it's improper for counsel to refer to evidence especially when the witness has testified.

THE COMMISSIONER: In cross-examining, people do put to a witness instructions they have received
15 from their client and say is this what happened.

MR. FUTERMAN: All the time.

THE COMMISSIONER: Pardon?

MR. FUTERMAN: All the time, sir, I agree, except when the witness has already testified, then I
20 would suggest it's improper.

THE COMMISSIONER: No, no, because Mr. Francis may be recalled if necessary. With all respect, Mr. Futerman, there is nothing wrong with his line of questioning. It's perfectly normal.

25 MR. FUTERMAN: Thank you, Mr. Commissioner.

THE COMMISSIONER: Just now what is the question now you want to put to the witness? It's something that's not been covered yet, I gather. Has Mr. Francis testified about this so far?

5 MR. PRATT: Mr. Francis testified that a meeting was held of the athletes who he stated were taking Winstrol.

THE COMMISSIONER: Yes.

10 MR. PRATT: A group meeting, and that there were some discussions about the stiffness created by the taking of this substance after --

THE COMMISSIONER: Ask him whether they ever had that conversation, that's all.

15 MR. PRATT: I was simply adding to what Mr. Francis said, sir, the location of the meeting which I only learned overnight.

THE COMMISSIONER: I see. Well, you are identifying the place that he has already testified to.

20 MR. PRATT: That is correct, Mr. Commissioner.

THE COMMISSIONER: He says it was Berne?

MR. PRATT: He said it was Berne Switzerland.

25 THE COMMISSIONER: All right. Well, you might ask the witness whether he had a conversation with

Mr. Francis in Berne, Switzerland.

MR. PRATT:

5 Q. All right. Were you in Berne,
Switzerland in the summer of 1982?

A. The summer what? I did not run -- my first competition was our national championships outdoors after my injury. So, I can't recall ever being in Berne in the summer of 1982.

10 Q. All right. Do you recall any meeting, sir, where Mr. Francis, Angella Issajenko, Ben Johnson, Tony Sharpe, and yourself were present when there was a discussion about the use of stiffness caused by the use of an anabolic steroid?

15 A. No, I wasn't.

Q. Do you recall any discussions by Mr. Francis advising you or anyone else to load up on calcium in relation to stiffness caused by anything?

20 A. The only time we mentioned anything about calcium was in '87, sir.

Q. Now, I would like to get, sir, to the parting of the ways with Mr. Francis in 1983. You said a moment ago, and I perhaps I should have let you elaborate, that you had a discussion with Mr. Francis at the time
25 about your reasons for leaving. Could you elaborate on

that, please?

5 A. He met me at the Track Center in the
Bobby Orr Clinic, and we discussed exactly why I was going
to leave. And I said, well, you know, I am totally fed up
with the situation, I don't like your approach basically,
in terms of coaching, because that same year of '83, if
John Miller was not around and John Miller would witness
this, that Charlie would come to the track and I would
say, sir, Charlie, you know, what am I going to do for a
10 workout. And he said basically used to say, you know,
what you feel like doing. And I just basically had to
make up my own workouts at the time.

 So, I figured if I could make out my own
workouts and compete, why can't I just train myself. And
15 plus the other issue of stuff being forced upon me, i.e.
steroids, that's, you know, the reasons why I left in '83.

 Q. First of all, can you tell us, I
haven't heard the name John Miller before, I don't
think --

20 A. He was the head coach at York
University --

 Q. I see.

 A. -- during that duration.

 Q. Were you working with Mr. Miller?

25 A. At times, yes.

THE COMMISSIONER: Was he present during this discussion with Mr. Francis?

THE WITNESS: About -- no, he was not.

THE COMMISSIONER: I see.

5

MR. PRATT:

Q. Was anybody present, sir?

A. I believe if anybody would have been present it probably would have been Mark McKoy.

10

Q. So, what you are telling us essentially is that, if I can summarize, Mr. Francis was not taking a great deal of interest in your training program?

15

A. Not really. And maybe other athletes too, because if I can recall also athletes, there was a time where a lot of athletes grew frustrated and fed up because a lot of attention was being centered around Angella because she was basically the star of the group. And a lot of athletes had friction because of that.

20

25

A. Because it was either, you know, I mean, when Angie is running, it's -- they pay a lot of attention to her and a lot of other the athletes got neglected in a sense. So....

5 Q. Well, that's your perception of their view, is it?

A. Is it my perception?

Q. Of the other athletes' complaints?

A. It's my perception and other athletes' perception, too.

10

Q. Maybe we'll have a chance to ask some of them. I'm asking about your own feelings?

A. That's fine.

Q. About the relationship with Mr. Francis?

15

A. That's my perception, yes.

Q. So, when you had this discussion, did it focus -- what was the general thrust of it? Was it the lack of interest, was it the feeling of having anabolic steroids forced upon you or what was the general reason you gave him?

20

A. A combination of both.

Q. Did you specifically raise this steroid question?

A. I mentioned it to him, yes. I said I

25

didn't like the way it was done and if I can recall properly, in 1984 while I was training at York University he also came to me and said, hey, if I need anything, you know, don't be ashamed to come and ask him for anything.

5 Q. Did you tell him that you had not been taking anabolic steroids for the previous year and a half?

A. Correct.

Q. And what did he say to that?

A. Well, what could he say? I guess he
10 was startled.

THE COMMISSIONER: Well, up to that time, I think you told us yesterday that you sort of pretended you were, so he would not ---

THE WITNESS: Yes, but you're asking me
15 during that period of time, after I left Charlie, after the meeting?

THE COMMISSIONER: No, I think you told us yesterday that from the '82, '83 period ---

THE WITNESS: I didn't tell him anything,
20 yes. But he's saying -- now he's talking about the meeting with Charlie.

THE COMMISSIONER: I thought you said yesterday that he was -- he must have been under the impression that you're taking steroids?

25 THE WITNESS: Correct.

THE COMMISSIONER: Is that right?

THE WITNESS: Yes.

THE COMMISSIONER: From what you said to him
or....

5 THE WITNESS: Correct.

THE COMMISSIONER: All right.

MR. PRATT:

10 Q. So, from time-to-time there would be
discussions and you would respond in a way that would be
appropriate to somebody who was taking a steroid program?

A. Like I said before, Charlie and I did
not sit down and discuss anything about steroids.

15 THE COMMISSIONER: I think we're talking
about '82, '83 now.

THE WITNESS: Yes, he's talking also
about -- I'm talking about my discussion with Charlie
after I already made my decision to leave the group.

20 THE COMMISSIONER: I understand, thank you.

MR. PRATT:

Q. For whatever reasons, your evidence is
that there was a breakdown in the relationship between you
and Mr. Francis?

25 A. Correct.

Q. And was the meeting that you had with him, was that an emotional meeting?

A. It was in as sense, yes.

Q. Were you calmly discussing it, were you shouting at each other? What was the ---
5

A. No, we discussed it in a gentleman manner.

Q. And was there a mutual agreement to the parting of the ways?

A. I'll have to say yes.
10

Q. So, it wasn't the question of you being kicked out or....

A. No, I wasn't kicked out. It was a matter of my choice.

Q. You chose to leave?
15

A. Correct.

Q. All right. You weren't given an ultimatum of any kind?

A. An ultimatum, no, I was not.

Q. All right. Did you ever go to anyone at the Canadian Track and Field Association to make any complaint about Mr. Francis and his involvement with anabolic steroids?
20

A. I probably mentioned something about it, probably to Glen Bogue.
25

Q. You're saying probably. Is this something you're uncertain about?

A. I shouldn't say uncertain but I probably mentioned it.

5 Q. Do you know when this would have been? Would it have been before or after the parting of the ways?

A. After the parting of the ways.

10 THE COMMISSIONER: Well, who did you speak to, do you recall, Mr. Williams?

THE WITNESS: Pardon?

THE COMMISSIONER: Who do you speak to for the CTFA?

THE WITNESS: I said Glen Bogue.

15 THE COMMISSIONER: Pardon?

THE WITNESS: Glen Bogue.

THE COMMISSIONER: Mr. Bogue?

THE WITNESS: Yes.

20 THE COMMISSIONER: Do you recall when that was. That would have been '84, was it, when you were on your own?

THE WITNESS: It would have been. It would have been around '84.

THE COMMISSIONER: Thank you.

25

MR. PRATT:

Q. What was Mr. Bogue's reaction?

A. You know, basically, you know, we should basically get random testing and stuff implemented
5 so we can check our athletes. Basically, that's the sum of it.

Q. Did you tell Mr. Bogue that you had spent and year and a half --

A. I didn't have to tell Bogue that I
10 spent a year and a half. Glen Bogue also knew. He was an athlete so -- he knew I was being coached by Charlie at the time.

Q. Well, I didn't finish the question, sir. I was going to ask you, did you tell Mr. Bogue that
15 you had spent a year and a half leading Charlie Francis to believe that you were on anabolic steroids?

A. I didn't have to tell Glen Bogue that.

Q. Why was that?

A. Why should I? I don't have to tell him
20 anything. I just told him that there was a problem.

Q. I'm just asking you what you told him. I'm not asking you what you had to tell him or didn't have to tell him.

A. But, I answered that question earlier,
25 that I told him that there was a problem.

Q. What did you tell him about your own involvement with the steroid program and Charlie Francis?

A. If I'm going to be vocal about something, right, does it make sense that -- that I've
5 done it before? If I did it before, why I would be vocal about it? And it wasn't a vocal thing. I just mentioned, I said, you know, there's stuff being done, that is, you know, not right. You know, what can we do about it?

Q. Is it fair to say that you were
10 outraged by the way Charlie Francis was treating you, in your view?

A. I wouldn't say outraged. Because if I was outraged, I probably would have yelled or got angry or violent or something of the sort. I wouldn't say that.

15 Q. Apart from Mr. Bogue, did you complain to anyone else; Gerrard Mach, for instance?

A. No, I did not because Glen Bogue was a athletes' -- he -- basically, all athlete's interests or concerns had to through Glen Bogue before they go to the
20 top brass.

Q. Well, for the seasons between 1984 and 1987 you were self-coached?

A. Correct.

Q. And sometime in 1987, I think you told
25 us at the Rome World Championships, you had had a

discussion with a number of athletes which led you to certain conclusions about anabolic steroids?

A. Correct.

Q. Now, just before I get into that, I'd
5 like to ask you, when were you first sponsored by Mazda?

A. In '87, if I recall 100 per cent, '87.

Q. Was that before the summer and before the world championships in Rome and this incident that you've told us about?

10 A. Probably, probably, because it was -- were Mazda after I think I spoke to Larry Heidebrecht, I think that would have been -- that would be a fair assessment, yes.

Q. Sorry. It's my information, you know,
15 that sometime, probably earlier in the year, in the spring of '87, most likely you entered into a sponsorship contract with Mazda. Would that be about right?

A. That would be roughly about right, yes. Spring, summer of '87.

20 THE COMMISSIONER: That was arranged by Mr. Heidebrecht, I think you told us. Did Mr. Heidebrecht arrange that for you.

THE WITNESS: Yes, he spoke to me about it.

THE COMMISSIONER: Thank you.

25

MR. ARMSTRONG:

Q. Isn't it true that Charlie Francis, in fact, arranged that agreement for you?

A. Arranged the agreement?

5 Q. Yes?

A. As far as I can recall, Jodie Weiss from IMG is the one that arranged the agreement.

Q. So far as you're aware, Mr. Francis didn't have a role in arranging the sponsor?

10 A. I would assume he had a role because Angie and Ben was Mazda and the rest of the group were Mazda. So I would assume he had a role in it.

But as I told you, Jodie Weiss was the one who phoned me to talk about to me about it because, at the time, I was training at LSU, so I got a phone call from Jodie Weiss and that's the first time I ever heard about the Mazda deal with me being involved in it.

15 Q. It would be consistent with your understanding of the transaction that Charlie Francis had a role in obtaining this for you?

20 A. I'll guess so, yes.

Q. And that this wasn't conditional on joining the Mazda Optomist Track Club?

A. It wasn't conditional in joining?

25 Q. Right?

A. I mean, from when we were in Mazda and sponsored by Mazda, then obviously I would be a member of the track club, would I?

5 Q. Right. So, it didn't have anything to do with becoming a member of the track club or changing your affiliation?

A. What didn't have anything to do with it?

10 Q. Getting this contract? You weren't required, in order to get this contract, to change your club affiliation?

A. No.

Q. Or to train with Charlie Francis?

A. I don't -- well, I don't think so, no.

15 Q. All right. Now, in Rome you have a discussion with a number of athletes and I think you described them as non-Canadians and throwing athletes?

A. Correct.

20 Q. And you used the words, which stuck in my mind, that you came to the decision after that or during that meeting that if you can't beat them, join them?

A. Correct.

25 Q. I wonder if you can elaborate, sir, on what you meant by that?

A. Well, I mean, like it's stated right there. If you can't beat them, join them. My philosophy is this; like right now, I think there is a -- if I can generalize it a little bit -- in today's day and age, with
5 all the trafficking and the stuff that's going on, the guys out there are using semi-automatic guns and cops have a 38 millimetre.

If you're going to be able to stop them or fight their battle, you have to basically equip yourself
10 in a situation where you can defend yourself against them. So, take it as is.

THE COMMISSIONER: I think it's very clear what he meant, Mr. Pratt.

MR. PRATT: Well, I was just going to --

15 THE COMMISSIONER: If you can't beat them join them.

MR. PRATT: All right.

THE COMMISSIONER: I think it's very clear.

MR. PRATT: I'd just like to ask a few
20 questions about....

BY MR. PRATT:

Q. I take it that when you formed that conclusion, that was based upon some assessment of the
25 degree of use of banned substances by the people you were

competing against?

A. That would be a fair assessment, yes.

Q. And you were competing against sprinters and so that you had formed some opinion about the degree of anabolic steroid use by other sprinters?

A. That would be a fair assessment.

Q. All right. So by the time of the world championships in 1987, what was your assessment of the degree of anabolic steroid use by the elite competitors you were running against?

A. I said before, earlier in the testimony, that my philosophy was develop your skills until you can't improve anymore. And at that time, in '87, I figured, hey, you know, maybe I'm just, you know, a 10.1, 10.2 sprinter. 20/20, you know, 20/40 sprinter.

So if I can do something that would help me or assist me and make me be more competitive with them, per se, I'll do it. That's exactly what I meant.

Q. All right. But, there are really two issues here, I think. One is your own personal limitations or the upper limit of your performance without anabolic steroids.

And the second issue is, I would suggest to you, is that you were joining a group who you had concluded were also taking anabolic steroids to reach

their levels of performance?

A. How do you know I concluded that?

Q. Well, when you -- I'm trying to interpret your words, sir, if you can beat them, join them?

A. That could be a vague statement. That could be for anything.

Q. But, when you say, sir, that you're joining somebody, you're implying, I would suggest to you, that you are simply doing what they're doing?

A. When I say can't beat them, join them, right, you -- pertaining that the only reason why I joined Mazda, is that what you're trying to say, and that's the wrong point that you're getting across because I was already was a member of Mazda Optomists by the time I made my decision. So, what's the point?

Q. Sir, what I'm trying to do is to understand your own words.

THE COMMISSIONER: Well, I think you said, he realized that at that time he's gone as far as he could on his own talent and that other people were beating him that he thought really wouldn't be able to beat him by their normal talents and they were getting help and he wanted to also get into that group.

Is that a fair way of putting it?

THE WITNESS: Correct.

THE COMMISSIONER: All right.

THE WITNESS: I mean, if I can also elaborate a little bit?

5 THE COMMISSIONER: He decided he didn't want a program.

THE WITNESS: If I could elaborate a little bit, too? I mean, it's pretty annoying when a few coaches, international coaches from the U.S. and wherever, 10 can come to me and say you're one of the most talented athletes out there, it's just that these guys have an edge on you. I mean, it plays with your head a little bit.

MR. PRATT: What I'm trying to get after ---

THE COMMISSIONER: I think we've covered 15 that ground, Mr. Pratt. Would you get on to some other area, please?

MR. PRATT: Mr. Commissioner, if I might, the point I'm trying to make -- the point I'm trying to clarify really is whether he is joining the Mazda group of 20 Canadian athletes or whether he's joining the club of international athletes who have ---

THE COMMISSIONER: Well, that doesn't really matter very much because he admits when he went back in '87 he did go on a steroid program with Mr. Francis. He 25 says that.

MR. PRATT: Okay. Thank you, Mr. Commissioner.

MR. PRATT:

5 Q. Did you, while you were in Rome, sir, did you have a discussion with any sprinters in relation to anabolic steroid use by sprinters?

A. By sprinters, no, sir.

10 Q. You made a comment, I believe in your evidence, that -- about the comparative doses by sprinters versus throwing athletes?

A. This is what -- this is what the throwers told me. This is what was said, that sprinters don't need as, say, a thrower or a weightlifter.

15 Q. Right. Now, the Anavar that you were given, sir, in Rome, did you -- I think you've told us that this was given to you gratuitously?

A. Pardon?

Q. It was given to you gratuitously?

20 A. Yes, it was.

Q. You didn't ask for it or buy it?

A. I did not buy it.

Q. And when you decided to approach Charlie Francis about retraining with him, it was, I think
25 clear, your decision to do so?

A. Yes.

Q. All right. You were not under any compulsion of any kind to come back?

A. I already said that yesterday, no.

5 Q. You were under no compulsion to go on an anabolic steroid program?

A. No.

Q. All right.

10 A. It was in my best interests to be part of that Mazda group at that time.

Q. And when you went to Charlie Francis' apartment for injections of Estragol, nobody dragged you there, you went on your own free will?

15 A. I already made that clear yesterday, no.

20 Q. I'm just making sure. There was some suggestion in your evidence that you played a somewhat passive role, that you didn't take them, they were given to you. I just wanted to make sure that you were not saying that you were being ---

A. No, I knew exactly what they were. I already made that clear yesterday.

25 Q. All right, fair enough. You told us, sir, that you decided to cease taking anabolic after an injury in the month of February, 1988?

A. Correct.

Q. All right. And that by the time you had the meeting in Angella Issajenko's home, where the subject came up and possible steroid programs came up, you had already made a decision you were not going to participate?

A. Correct.

Q. At what point did you obtain a bottle of Estragol from Charlie Francis?

10 A. Prior to that meeting, if I can recall. Prior to that meeting.

Q. All right. Was it relation in the injury that you suffered, was it prior to or after that?

15 A. It was after. I got hurt twice, like I said before. I got hurt in December, before Christmas, and I got hurt again at the Hamilton Spectator Indoor Games.

Q. All right. So, that after the Hamilton Spectator games, you were given this bottle?

20 A. No, I was not given after Hamilton. When we got back, when we returned from Europe, right? When I returned from Europe and went to our national indoor championships, this stuff was given to me, say, probably in February, early March.

25 THE COMMISSIONER: My recollection is, I'm

not sure, that the conversation took place about starting a new cycling program, a new cycle of steroids was in Europe, was it not.

5 THE WITNESS: No, we started in Toronto at her house, I think, February 25th.

MR. PRATT: February 25th ---

THE COMMISSIONER: I see. When they're back here having a discussion here, thank you.

10 MR. PRATT: That's my understanding, Mr. Commissioner.

MR. ARMSTRONG: I think the Commissioner is right, with respect, because Angella Issajenko testified that there was a discussion in Europe that before they did another cycle that they would want to remove the drugs from Charlie Francis' apartment.

15

THE COMMISSIONER: She testified to a conversation in Europe in which she says Mr. Williams is present.

MR. PRATT: This was, I believe, in a Genoa hotel room.

20

THE COMMISSIONER: Yes.

MR. PRATT: All right.

BY MR. PRATT:

25 Q. And Mr. Williams doesn't recall that

meeting?

A. The only meeting that I can recall that we had was the incident with Waldemar, when came to us and said he would like to have five per cent of our performance money. That's the only meeting that I can recall ever having. And we sat in -- all of us sat in, Larry, myself, Charlie, Waldemar, Mark, Ben and Angie.

Q. And where was this?

A. This was in Genoa.

Q. In Genoa?

A. Yes.

Q. And the subject of anabolic steroids was not discussed?

A. Not that I can recollect, no. The only time that I knew that was stuff was being moved is when I returned home from St. Kitts and I went home for a vacation.

THE COMMISSIONER: When was the meeting which you were discussing going on a cycle of drugs and you suggested ---

THE WITNESS: February 25th, according to

THE COMMISSIONER: That's when you said the Anavar would be a better choice?

THE WITNESS: Correct, February 25th.

THE COMMISSIONER: I see. That was here in Toronto?

THE WITNESS: Yes.

THE COMMISSIONER: Thank you.

5

MR. PRATT:

Q. This was sometime after you made a decision that you were not going to participate?

A. Correct.

10

Q. And it's also after you received a bottle of Estragol from Charlie Francis?

A. At what, the meeting?

Q. Yes?

15

A. No. I said, when I came back from St. Kitts, it had to be like early March that I received a bottle from Charlie.

Q. All right. So, why didn't you tell Charlie Francis, save it for somebody else?

A. Why didn't I?

20

Q. Yes?

A. No reason. Because I knew Charlie's philosophy was, it's either you're in or you're out.

And, at that time if I said that I wasn't doing it, that means I am in the out section of the group.

25

Q. Your evidence is that as recently as

1988, you believe you would be, what, forced out of the group if Mr. Francis knew you didn't want to take any Estragol?

A. There would have been friction, yes.

5 Q. And it was easier simply to take the bottle and conceal the fact that you weren't taking it?

A. Yes. The same thing Molly basically said, right.

10 Q. Now, sir, isn't it true that in the month of July 1988, you contacted Angella Issajenko and requested that she bring you another bottle of Estragol?

A. I did?

Q. Yes?

A. That's incorrect.

15 MR. PRATT: Now, Mr. Commissioner, I've spoken to -- Ms. Issajenko's counsel are not here -- but I've spoken to Miss Pinheiro this morning and I had a discussion. Ms. Issajenko would be prepared to give this evidence if she were called.

20 THE COMMISSIONER: We'll consider that. But not every -- some of these matters aren't that material. Some are, but if they're material then we'll consider recalling her.

25 MR. PRATT: I put the question to the witness and he's denied it.

THE COMMISSIONER: He says it never happened -- there was not such ---

MR. PRATT:

5 Q. Do you also, sir, deny that you requested syringes from her from time-to-time during the spring and summer of 1988?

A. I might have asked Angie for syringes but it was for a matter of taking inosine with B-12.

10 Q. All right.

A. As I stated before.

Q. Nothing to do with Estragol?

A. No, sir.

15 Q. All right. Now, Cheryl Thibedeau gave evidence that she had a discussion with you, among other members of the club, I think one-on-one, in relation to what she may or may not have told her fiance about steroid use. Sir, do you recall any such discussion?

20 A. I don't recall ever taking about Cheryl about what happened. All I said to you was that, when I returned from St. Kitts I knew that Angie and Cheryl had a tiff at the track, right, when I returned home and that's only reason why I knew something -- why something happened. Cheryl might have said something to me about it
25 but I can't recall Cheryl ever sitting down and talking to

me about anything to do with her boyfriend. I might have heard secondhand.

Q. But, it might have happened?

A. It might have happened.

5 Q. Did you ever have any discussions with her that indicated her belief that you were part of the steroid group, if I can put it that way?

A. Well, Cheryl used to get the apartment at the time that I used to go by.

10 Q. This is in the fall?

A. Yes.

Q. And you'd see her and other athletes you presumed to be taking shots?

15 A. The only people that I saw at Charlie's place was Cheryl, Tracy Smith, myself, Molly and Mark, at that time.

Q. All right. Now, sir, you have been, during your career, the fastest man in Canada, from time-to-time; isn't that right?

20 A. From time-to-time. Up until -- say, up until 1984.

Q. And it's only the great performances by Ben Johnson that have eclipsed you as a Canadian track star?

25 A. You can make that assumption, yes.

Q. In fact, sir, in May of 1983, I believe in Provo, Utah, you set a Canadian record at 10.17 seconds for the 100 metres?

A. Correct.

5 Q. The only Canadian who's ever beaten that time has been Ben Johnson?

A. Correct.

10 Q. Now, sir, are you aware that there may be potential repercussions for those athletes who come here and admit the use of anabolic steroids?

A. I'm aware of everything that happened. I'm aware of -- yes, I am.

Q. And that if Ben Johnson's records are, for whatever reason, erased ---

15 A. Mm-hmm.

Q. --that your record as the fastest 100 metre runner in Canadian history will stand as a Canadian record.

20 A. So, this is what I'll put to you, too. To run 10.17 and be the best in Canada don't mean diddly-squat on the international scene. 10.17 would not win you anything. So I'll tell you, put that in your pipe and smoke it.

25 Q. Thank you for your advice. But, nonetheless, unless that record were set --

THE COMMISSIONER: I think you've made it.
This is argumentative, Mr. Pratt.

THE WITNESS: It doesn't matter 10.17
because 10.17 don't mean anything. It's nothing.

5 THE COMMISSIONER: All right.

THE WITNESS: 10.17 was run in 1983. That's
absolute right now.

THE COMMISSIONER: All right.

10 THE WITNESS: He's not going to benefit one
way or another if I'm the Canadian record holder or not.

THE COMMISSIONER: Please! You're both
being argumentative now.

MR. PRATT: Those are my questions.

15 THE COMMISSIONER: Mr. Futerman? Oh, Mr.
Levine, I'm sorry. I didn't know you were going to ask
questions.

EXAMINATION BY MR. LEVINE:

20 Q. Mr. Williams, good morning, my name is
Lorne Levine; I've here on behalf of Dr. Astaphan. I'll
be very brief. Just a couple of points I'd like to go
over with you.

25 First of all, in relation to this water
bottle that you received in Seoul, I think your evidence
was, sir, that you were given this bottle to use with Ben
Johnson?

A. I was given a bottle, right, a glass bottle.

Q. Given by who?

A. Pardon?

5 Q. Given by who?

A. It was brought to the hotel -- not the hotel, the dormitory where we were staying, by Mark.

Q. By Mark?

A. Yes.

10 Q. And what did Mark say about the bottle?

A. He said it was from Jamie and he said that I should put it -- take it to the track and give it to Ben after the 100 metre final.

15 THE COMMISSIONER: I think you said it was for you and Ben?

THE WITNESS: Yes.

THE COMMISSIONER: To be taken after the finals.

THE WITNESS: Exactly.

20

MR. LEVINE:

Q. And this bottle had a label on it, it was a normal looking bottle?

25 A. It was -- said honey and vinegar mixture.

Q. Honey and vinegar?

A. Correct.

Q. I think your evidence ---

5 THE COMMISSIONER: Was it like a bottle of
honey vinegar you would buy in a grocery store, that type
of label.

THE WITNESS: Exactly, it was.

THE COMMISSIONER: You've, in other words,
heard of that combination before?

10 THE WITNESS: I think it was something when
you're cooking or something.

15

20

25

Q. So, it didn't like look a homemade --

A. No, no.

Q. -- or manufactured substance?

A. It was sealed, everything on it.

5 THE COMMISSIONER: It was a manufactured substance?

THE WITNESS: Yes.

THE COMMISSIONER: Thank you.

10 MR. LEVINE:

Q. And the purpose of this you were supposed to take some and give some to Ben, was that the idea?

A. I had a bottle that was for Ben, also.

15 THE COMMISSIONER: Immediately after, immediately after running the finals --

THE WITNESS: Even -- right after the finals you are supposed to --

20 THE COMMISSIONER: -- before the doping control test.

THE WITNESS: -- drink some of it.

MR. LEVINE:

25 Q. Well, I would suggest to you, sir, that the purpose of this substance was because after a sprint,

especially a 100 meter sprint at those speeds, that an athlete would be dehydrated and would need some sort of a liquid?

A. That could be true, yes.

5 Q. Yes.

A. I don't know what the purpose of it was, but I just did what I was told. Yes, I took it.

Q. Well, in your experience in the past --

A. Yes.

10 Q. -- had you taken that substance before --

A. Would I?

Q. -- or anything of a similar nature?

15 A. Basically not really. I would probably drink Gatorade or something with a -- liquid substance, true, with a high content of the sugar or glucose --

THE COMMISSIONER: I think you said yesterday you never heard of vinegar and honey before?

THE WITNESS: No.

20 THE COMMISSIONER: As something to take after a race?

THE WITNESS: No.

MR. LEVINE:

25 Q. But it wouldn't be unusual after that

type of race say for a sprinter to have four or five
beers, one after another, something of that nature?

A. No, not at all.

5 Q. Nothing unusual or underhanded about
that at all?

A. No.

Q. And you said that as far as you know
Ben didn't take the substance?

A. No, he didn't.

10 Q. Now, are you aware of that for sure or
just --

A. Well, I gave it to him --

Q. -- did you see the bottle at all times,
where it was?

15 A. When I gave it to him, the guys came
in, I gave it to him. I said, Ben this is for, right.

Q. Yes.

A. Jamie said you are supposed to drink
this. And then I left it there. And then the guys come
20 in and they just sort of wisk all the other guys out, the
non-medalists out.

Q. Right.

A. And I just gave it to Ben and then
left.

25 Q. Did you have any conversation with Ben

about what was in the bottle?

A. No, I didn't.

Q. Did Ben seemed shocked or amazed at getting the bottle at all?

5 A. No, he wasn't.

Q. And Ben had another bottle of his own that he carried around?

A. He had a bottle -- correct. Plus he was drinking water and everything else that they basically supplied in there.

10

Q. I think he had a habit of having beers as well after a race?

A. After a race.

Q. Yes?

15 A. I guess so, yes.

Q. All right, sir, now if we can just go back to the time where you rejoined Charlie and the Mazda team, which I believe was in the fall of 1987?

A. Correct.

20 Q. You did indicate, I believe, in your evidence that you began on a program of the Estragol at that time; is that right?

A. Correct.

25 Q. And where did you get that substance from?

A. From Charlie.

Q. Were you asked to pay for it at all?

A. Well, indirectly.

Q. In which way?

5 A. I figured that he had to have paid for it, so I just gave him some money for it.

Q. Do you remember how much you gave him?

A. May be about a couple much hundred dollars, if I can recall.

10 Q. This was for a vial?

A. No --

Q. For one vial?

A. -- just for the stuff that was administered to me during that duration of time.

15 Q. So how many shots?

A. Myself and Molly.

Q. So, how many shots, you figure it would be?

20 A. That I got? Anywhere from say 10 to 12 shots within that duration. Maybe it could have been less because I got hurt and what Charlie said was that I should get off it because, you know, it's not a good thing to take if you are hurt.

25 Q. And I take it, sir, that aside from what you were told by Charlie, you don't really know what

was in the shots? Charlie told you it was Estragol?

A. It was Estragol, that's right.

Q. But you don't know that of your personal knowledge?

5 A. Well, I will only I mean I take --

Q. You weren't --

A. No.

Q. -- advised by any medical person --

A. No.

10 Q. -- or anybody of that background?

THE COMMISSIONER: I am sorry, I was looking at something else. What was your question?

MR. LEVINE: I asked the, witness, sir, how he was aware as to the substance, whether it was Estragol. And he says his knowledge came from Mr. Francis. And that was the total source of his knowledge.

15

THE COMMISSIONER: The injections given to him by Mr. Francis, is that what you are talking about?

MR. LEVINE: Yes.

20 THE COMMISSIONER: I see.

MR. LEVINE:

Q. We have heard evidence at this hearing from time to time about the substances, but to this point in time we have no direct analysis of any substance, but

25

what you are saying is that your evidence is that as far as you knew, it was Estragol?

A. Correct.

THE COMMISSIONER: Because he was told that
5 by Mr. Francis.

THE WITNESS: Correct.

MR. LEVINE: Yes.

MR. LEVINE:

10 Q. And were all the -- was the substance
all used up as far as the one that you bought from
Charlie?

A. No, it wasn't.

Q. What did you do with it ultimately?

15 A. Discard it.

Q. When was that?

A. When we got back from Seoul.

Q. So, that would be in the fall --

A. October.

20 Q. -- of 1988.

A. October of --

THE COMMISSIONER: What substance are we
talking about.

MR. LEVINE: I am talking about the white
25 milky substance, the vial?

THE WITNESS: Correct.

THE COMMISSIONER: That was brought back --
did you have that with you in Seoul as well?

THE WITNESS: No, no.

5

MR. LEVINE:

Q. That was left in your apartment.

A. Correct.

Q. Over what period of time was that that
10 it was in your apartment?

A. From the time --

THE COMMISSIONER: You only got one
delivery of this Estragol?

THE WITNESS: Correct.

15

THE COMMISSIONER: That was from Mr.
Francis?

THE WITNESS: Correct.

MR. COMMISSIONER: None from Ms. Issajenko?

THE WITNESS: Correct, sir.

20

THE COMMISSIONER: I see.

MR. LEVINE:

Q. And none from Dr. Astaphan?

A. No, sir.

25

Q. Yes. And my friend, Mr. Armstrong,

showed you the vial that's been marked as an Exhibit here. And in your recollection that might look like the substance that you received?

A. Correct.

5 Q. But you don't know for a fact that it was?

A. Well, it was -- it was the substance. It was -- the white substance that I saw here.

Q. Yes?

10 A. It was the substance.

Q. It was the substance that you got from Charlie?

A. Correct.

Q. How do you know that?

15 A. Because the viscosity of it is -- is quite similar.

Q. So, it the looks the same?

A. Exactly.

20 Q. All right. And we have heard some evidence from you, sir, that there was some problem with -- that arose where Charlie indicated that he did not want you and other athletes to come to his apartment any more for shots?

A. Correct.

25 Q. When was that?

A. When he got back from St. Kitts from my trip.

Q. That would be October?

A. No, that would be early March.

5 Q. Early March?

A. Yes.

Q. Of '88?

A. Correct.

10 Q. And what was the reason for that that Charlie --

A. Because people had keys or something like that to his place and he don't think it was a safe place and people coming back and forth and everything else.

15 Q. I see. Do you know how many people had keys?

A. No, I didn't --

THE COMMISSIONER: I mean how important is that?

20 THE WITNESS: -- because during that duration of time I wasn't, you know --

MR. LEVINE: Well, sir, the point I am trying to get at is --

THE COMMISSIONER: How many people had keys?

25 MR. LEVINE: -- we have substances that are

being brought, I believe, from Charlie's apartment and being presented as evidence.

THE COMMISSIONER: We have had evidence from more than one witness, which is confirmed by Mr. Williams, as to why the substance was removed from Mr. Francis and given to Ms Issajenko.

MR. LEVINE: Yes.

THE COMMISSIONER: Because there were people who were coming in who were not part of the group on the steroid program.

MR. LEVINE: Well, sir, with respect, and it's caused me a problem in this proceeding is that we have substances that have been marked as Exhibits and referred to, we don't have an analysis as of yet as to what these substances are, although we have some hearsay evidence.

THE COMMISSIONER: I understand, but we have the continuity of the --

MR. LEVINE: Well, that's my problem with the continuity, sir.

THE COMMISSIONER: I don't have a problem with the continuity. You will hear about the continuity.

MR. LEVINE: Fine. Then I won't pursue it.

MR. LEVINE:

Q. Sir, just in relation to Dr. Astaphan, I understand your evidence was that in Narita, Japan, in 1988, the doctor took care of a problem with your bone spur?

A. Correct.

Q. Is that right. And did he also see you in Seoul about any problems?

A. Just for Inosine and B-12 shot, sir.

Q. So, it's fair to say that you were always happy with the care that you got from the doctor?

A. For the duration of time I knew Jamie.

Q. Yes?

A. I can't complain.

MR. LEVINE: Fine, sir, thank you.

THE COMMISSIONER: Thank you. Mr.

Futerman.

--- EXAMINATION BY MR. FUTERMAN:

Q. Good morning, Mr. Williams.

A. Good morning.

Q. In April 1982, I understand that you were attending at York University?

A. Correct.

Q. My recollection is from my days that in

April it was around the time that one would be writing exams?

A. Correct.

5 Q. And were you writing exams in April of 1982?

A. If I can recall, yes.

Q. Were you attending classes as well --

A. Correct.

10 Q. -- as far as you can recall? Is that one of the reasons that you believe that April 1982 was not likely the day that you saw Dr. Koch?

A. Correct.

15 Q. And it was doctor -- it was Charles Francis who gave you the pills when you left Dr. Koch's office?

A. Correct.

Q. In fairness to Dr. Koch, it's your impression that those pills came from him?

A. Correct.

20 Q. You have known Ben Johnson and Charles Francis for over 10 years?

A. Correct.

25 Q. Can you tell us in your opinion what control Charles Francis had, during that period of time, over Ben Johnson?

A. I will have to say he was a close knit thing, sort of like -- I think Ben had a lot of faith, a lot of the trust in Charlie, sort of like a father-figure type.

5 Q. And we have also heard some evidence as to the kind of young man Ben was from various witnesses from time to time. What was your impression of Ben Johnson during this period of time?

10 A. Well, when we started out in 1977, you know, I mean he was very quiet and very shy, didn't really say a whole lot. And as time basically progressed, he got a little bit better because he felt a little bit more comfortable with the group.

15 The type of athlete that I would have to say, the type of person that anybody would really like to have as a friend as far as I am concerned. Easy going, never have anything really bad to say about anybody, you know, very nonchalant, respectable young man as far as I can say.

20 Q. Had you ever heard Ben talk to you or anyone else in your presence about steroids?

A. No.

Q. Had you ever heard him mention "roids"?

A. No.

25 Q. Or stuff or juice in referring to

steroids?

A. No.

Q. As far as you can determine --

THE COMMISSIONER: I think Mr. Williams
5 said he didn't discuss this with any of the athletes. Mr.
Williams said he has never discussed steroids with any of
the athletes.

MR. FUTERMAN: No, I know that, but I was
wondering if he heard Ben Johnson --

10 THE COMMISSIONER: You are one of the
athletes, I am sure he is included in that.

MR. FUTERMAN: No, I agree --

THE COMMISSIONER: Mr. Williams has said he
never discussed it with anybody.

15 MR. FUTERMAN: I was wondering if he ever
heard Ben Johnson make that statement.

THE COMMISSIONER: Well, I think he's
indicating he never discussed steroids with any of the
athletes.

20 That's right, isn't it, Mr. Williams?

THE WITNESS: Correct.

MR. FUTERMAN: All right. Thank you, Mr.
Commissioner.

25

MR. FUTERMAN:

Q. Can you tell me about what your impressions were as to the relationship between Charlie Francis and Angie Issajenko during the 10 years that you were --

A. I mean they were close, I mean they were, you know, good friends. It was a -- at times there was a lot the friction between both of them in terms of training programs.

I mean I remember numerous times they were, you know, they would be cursing at each other at the track and, you know, she would be saying that I am going to leave, you know, you don't know what you are doing. I am going to go to California and train. I am going to do this, I am going to do that. There was a lot of friction at times.

THE COMMISSIONER: I guess all of you under those heavy training -- you are under great stress?

THE WITNESS: This was more often than usual. I don't think any of the other athletes basically ever told Charlie, you know, a lot of the foul language, basically.

THE COMMISSIONER: Well, I mean it is a stressful program you are under--

THE WITNESS: Yes, it is.

THE COMMISSIONER: It's hard work and it takes a lot of discipline?

THE WITNESS: That's true.

THE COMMISSIONER: You know, so, obviously
5 you are going to have bits of outbursts of emotion.

THE WITNESS: That's true.

THE COMMISSIONER: All right.

MR. FUTERMAN:

10 Q. Mr. Williams, during any time, I think you have said this before and I just want to underline it, did Charles Francis ever mention to you about the possible side effects of anabolic steroids?

A. No, he didn't.

15 Q. And after you returned from Seoul, did you have contact or a meeting with Charles Francis here in Toronto?

A. Yes, we did.

20 Q. Can you tell me what Charles Francis said to you during the course of this meeting?

A. Well, he basically -- to sum it all up, he basically said to me that in natural terms that he will try and see if he can destroy track and field.

MR. FUTERMAN: Thank you, Mr. Williams.

25 THE COMMISSIONER: I am sorry, I didn't

hear the answer?

THE WITNESS: He will try and see if he
can destroy track and field.

MR. FUTERMAN: Thank you, Mr. Williams.

5 THE COMMISSIONER: He would try to destroy
track and field?

THE WITNESS: Correct.

THE COMMISSIONER: I see.

MR. FUTERMAN: Thank you.

10 THE COMMISSIONER: Mr. Bourque.

MR. BOURQUE: I wonder if I might have an
opportunity to examine this man briefly about something
that came up in Mr. Pratt's cross-examination.

THE COMMISSIONER: Sure.

15

--- EXAMINATION BY MR. BOURQUE:

Q. Mr. Williams, my name is Roger Bourque,
I represent the Canadian Track and Field Association.

20 You said you had some contact with Glen
Bogue in 1984 about --

A. Around there, correct.

Q. -- Mr. Francis and some steroid use in
his group; is that correct?

A. Right.

25 Q. And what sort of contact would you have

had with Mr. Bogue as Athletes' Services Manager in 1984, generally speaking?

5 A. Just when I need, like if I need funds or whatever to go in a training camp, you know, Glen basically stood up for us.

Q. Or perhaps some outlay out of your reserve fund?

A. Correct, whatever we had there, yes.

10 Q. All right. And how many -- did you talk with Mr. Bogue about the steroid use by the Francis group only on one occasion?

A. Probably one or twice, maybe.

Q. Once or twice?

A. Yes.

15 Q. In 1984?

A. Around there.

Q. Can you recall more exactly when in 1984 those conversations took place?

20 A. I can't really pinpoint a month or a date or anything like that.

Q. And were there any witnesses to these discussions?

A. No, it was a phone interview. I phoned him in Ottawa.

25 Q. You phoned him in Ottawa?

A. Correct.

Q. At the CTFA National Office?

A. Correct.

Q. And what exactly did you say to him?

5 A. I said there is something funny going
on here, maybe you guys should look into it.

Q. I didn't hear the last --

A. I said there is something funny going
on, maybe you should look into it.

10 Q. Was that all you said to him?

A. Basically.

Q. Well, are you trying to give me exact
words here, or is that just the gist of it?

15 A. Well, I mean there was other things
said, but I mean to the point, the extent of the
conversation I can't, you know, recall everything.

Q. Well, did you mention anabolic steroids
specifically to him?

20 A. I think I did. And his comments to me
were we are going to try and implement a random testing
program.

Q. Were you satisfied with that response?

A. Pardon?

Q. Were you satisfied with that response?

25 A. Yes, pretty much so.

Q. And can I ask you, did this topic arise idly in conversation you were having with him, or did you raise it with the intention of turning in Mr. Francis?

5 A. Well, I phoned him because we wanted to go on a training camp, and I was having a lot of problems. And that's the beginning of the conversation, we wanted -- I wanted to go on a training camp and we basically couldn't get any funding because at the time I wasn't being coached under Charlie Francis. And the conversation
10 just, you know, got into it in detail.

Q. And to your knowledge, did he report the information you gave him about Mr. Francis' group to anyone else?

A. I don't know if he did.

15 Q. And did he ask you to cooperate in any investigation in any way?

A. Did he ask me?

Q. Yes?

A. No, he didn't.

20 Q. He didn't ask you to give a sworn statement?

A. No, he didn't.

Q. And I take it you were aware, Mr. Williams, at the time the CTFA had an anti-doping program?

25 A. Yes, at meets and everything else, yes.

Q. You had submitted to testing --

A. Yes.

Q. -- under the program, hadn't you?

A. Yes.

5 Q. And you were aware as well that at the time the program was being run by Mr. Tom McWilliam, were you not?

A. Tom?.

Q. Tom McWilliam?

10 A. Probably.

Q. Well --

A. Yes, I --

Q. -- what does that mean? Yes, you were. And were you aware as well that Mr. McWilliam worked in
15 the same office as Mr. Bogue?

A. No, I didn't.

Q. Did you ask to speak to the person in charge of anti-doping?

A. No, because Glen Bogue was basically
20 the athletes' rep and any discrepancy an athlete had, we had to go through Glen Bogue. The same way to athlete, we had to go through Steve Findlay. That's the impression I got of the whole thing.

Q. You mean you never asked to speak to
25 anybody else?

A. No.

Q. And what eventually came of your discussion with Mr. Bogue?

5 A. Well, I mean now we have random testing implemented. So, maybe it might have an effect on it, I don't know.

Q. Well, no, going back to 1984, was there any immediate effect of your discussion with Bogue?

A. No, I can't say that there was.

10 Q. Were you disappointed about that?

A. Well, in a sense, but I think, you know, in fair judgment, I mean to implement a drug testing program would cost a lot of money.

15 Q. Well, without waxing philosophical about it, I mean were you not frustrated because you realized you had to go up against Canadian sprinters who you knew or suspected were on anabolic steroids?

20 A. I don't think it was frustration. I think that's a very hash word. I don't think I was frustrated.

Q. You don't think that's frustrating?

A. No, I wasn't frustrated.

25 Q. And after having gone to the governing body of the sport, and according to you, they did nothing, I suggest to you you would be very frustrated?

A. You are suggesting that to me, but I am telling you I was not frustrated.

THE COMMISSIONER: Were you exasperated or unhappy or what's the right word? You weren't happy?

5 THE WITNESS: I knew one athlete basically couldn't really have a major say in a situation where it's going to involve hundreds of thousands of dollars to implement a drug testing program. So, you know, I mean I just basically stated my opinion to Glen.

10 At the time I could say that I was going through a whole lot of problems getting funded to go in training camps at the time.

THE COMMISSIONER: Yes, I understand that.

15 THE WITNESS: So, you know, it was a difficult situation for me, very trying.

MR. BOURQUE:

20 Q. Well, in any event, after you had your discussion with Mr. Bogue and there was no discernable short term result, you didn't feel disappointed or frustrated enough to consult with one of our illustrious investigative journalists?

25 A. Like I said before, the whole theory of -- we have the athletes had to talk to the athletes' rep which was at the time Glen Bogue.

Q. No, no, you have said that, you have told us that.

A. But I don't know --

Q. Your evidence is -- excuse me, Mr. Williams, you evidence is you went to the CTFA and essentially you are saying you got no result. And I am suggesting to you in those circumstances you would be frustrated enough to go to the press and blow the whistle?

A. Why would I want to go to the press and say anything.

Q. Because you are competing against people who are competing against you unfairly?

A. Yes, I mean but at that time like I mean I don't have no proof of anything. So, I mean why should I go to the press and say anything. I that's think what Mike Dwyer did, and he got at lot of flack for it.

Q. All right. So, in any event, in 1984 you went to the CTFA about it in a desultory way and you just left the matter drop, is that it?

A. Exactly.

MR. BOURQUE: All right. No further questions. Thank you.

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Thank you, Mr. Commissioner.

--- EXAMINATION BY MR. ARMSTRONG:

Q. First of all, Mr. Williams, Dr. Koch's lawyer contacted me this morning and wanted me to bring to your attention that perhaps she might have confused the issue in questioning you yesterday as to where the laboratory samples were actually taken, that is the blood sample and the urine sample in Dr. Koch's office I think she created the impression or she feels she did that Dr. Koch took a urine sample and a blood sample and then sent them to the lab. She advises me that on checking with Dr. Koch, he sent you to the lab in the same building and your blood and urine would have been taken to a laboratory in the Medical Arts Building at St. George Street.

Does that assist you in recalling whether or not any lab tests were done of you?

A. No, it doesn't, sir.

Q. All right.

THE COMMISSIONER: No, I think that was put to him as an alternative. He was asked whether you went to a lab, because if you look at the document there is an address of the lab. As I understand your evidence, you really don't admit ever giving blood --

THE WITNESS: No, sir.

THE COMMISSIONER: -- or urine?

THE WITNESS: Correct, sir.

THE COMMISSIONER: As you know, if you go to a doctor to get a urine sample or blood sample, they make out a requisition for you?

THE WITNESS: Exactly.

5 THE COMMISSIONER: And that was what was put before you yesterday is what we call a requisition?

THE WITNESS: Correct.

THE COMMISSIONER: And it tells the lab what type of test the doctor wants.

10 THE WITNESS: Correct.

THE COMMISSIONER: And you take your requisition to the lab, and that's where you give your samples?

THE WITNESS: Correct.

15 THE COMMISSIONER: You say you did not attend any such lab?

THE WITNESS: Correct, sir.

THE COMMISSIONER: Thank you.

20 THE WITNESS: Even if I can say also, too, that on that thing --

THE COMMISSIONER: Not necessarily in the fall of -- not even in the fall of?

THE WITNESS: '81.

THE COMMISSIONER: Of '81?

25 THE WITNESS: No, sir I can't recollect

that at all, period.

THE COMMISSIONER: So, that so far as your evidence is concerned, whenever the date of the visit was, because we know there was one visit?

5 THE WITNESS: I did not take a blood test or a urine sample.

THE COMMISSIONER: or a urine sample. All right. Thank you.

10 MR. ARMSTRONG:

Q. All right. Then on another point related to Dr. Koch, you spoke to me this morning before you came to give evidence, and you have asked me as Commission counsel to request of Dr. Koch the OHIP records related to you and ask him if he has available his
15 appointment book for that day, April the 12th, 1982.

THE COMMISSIONER: Well, I think --

MR. ARMSTRONG: I told you that I would make that request.

20 THE COMMISSIONER: Did you not read a note from the medical records, the doctor's records, about the injury that he examined?

MR. ARMSTRONG: Yes. Yes. No, I --

25 THE COMMISSIONER: That's in the doctor's office, is it not?

MR. ARMSTRONG: Yes. There is no question that the entire medical record which I reviewed --

THE COMMISSIONER: Excuse me, Mr. Armstrong.

5 MR. ARMSTRONG: Sorry.

THE COMMISSIONER: The document you have is a document from Dr. Koch's records?

MR. ARMSTRONG: Yes. We do not have the OHIP records.

10 THE COMMISSIONER: I understand that now. I see.

MR. ARMSTRONG: And Mr. Williams has advised me that he still takes the position that he was not there on April the 12th, 1982, and he has asked me to request the actual OHIP billing records which I have undertaken to do.

15 THE COMMISSIONER: And he never submitted a urine sample or a blood sample pursuant to this requisition.

20 MR. ARMSTRONG: That's right. I think in fairness to Mr. Williams, yesterday, in further questions by Ms. Rothstein, that he said he may have had the laboratory test done.

25 THE COMMISSIONER: Then you are reading your notes. Now, he said he did not. At the moment he

said he did not. Is that right?

THE WITNESS: Correct.

MR. ARMSTRONG: No, I know, but he has said different things --

5 THE COMMISSIONER: All right.

MR. ARMSTRONG: -- with great respect.

THE COMMISSIONER: All right. Well, we will see what happens. Let's go on.

MR. ARMSTRONG: And I have undertaken to
10 Mr. Williams to get that information. I will make it, of course, available to him.

MR. ARMSTRONG:

Q. Now, Mr. Williams, you had a telephone
15 conversation with Charlie Francis after Seoul?

A. Telephone conversation?

Q. Yes?

A. I met with Charlie.

Q. You met with him?

20 A. Yes.

Q. Where did you meet with him?

A. At a doughnut shop.

Q. During the course of that
conversation --

25 THE COMMISSIONER: When was this

approximately, Mr. Williams?

THE WITNESS: Say late October maybe.

THE COMMISSIONER: Late October.

THE WITNESS: Yes.

5 THE COMMISSIONER: I am sorry to interrupt,
Mr. Armstrong.

MR. ARMSTRONG:

10 Q. And what was the purpose of your
meeting with him?

MR. LEVINE: Excuse me, sir, I don't want to
interrupt, but just a point of the procedure here. I
don't understand what Mr. Armstrong is doing now. Is he
re-examining on evidence that's already been given? I
15 just --

THE COMMISSIONER: Well, in a Royal
Commission, Mr. Levine, the Royal Commission counsel is to
pursue all the evidence and you don't describe it as
cross-examination or examination. He is entitled to bring
20 all of the facts. If there is inconsistencies, he's got
to pursue it. That's his role. He must try to assist the
Commission and bring in all the evidence.

So, he is now pursuing a matter which just
came up, I gather, after Mr. Futerman cross-examined Mr.
25 Williams. It's a new matter.

MR. LEVINE: Fine, sir, so I appreciate then that if any other evidence should arise as a result of this new matter that affects any of the particular parties represented, then their counsel --

5 THE COMMISSIONER: I am not certain about that. I know the proper role of Commission counsel, which Mr. Armstrong is doing very properly.

MR. LEVINE: Fine, sir, thank you.

10 THE COMMISSIONER: Go ahead, please, Mr. Armstrong.

MR. ARMSTRONG: Thank you, Mr. Commissioner.

MR. ARMSTRONG:

15 Q. Now, what was the purpose of this meeting at the doughnut shop at the end of October?

A. Well, he was concerned that Ben wasn't, you know, both him and Ben, they weren't getting along, they weren't talking or anything like that. So, his main
20 concern was because since I am a friend of Ben, right, he was sort of wondering why, you know, Ben didn't say anything to him, why I haven't spoken to him or anything like that.

25 Q. And that's what the conversation was about?

A. Basically, and the Inquiry and everything else that's coming up and so forth.

Q. By then the --

THE COMMISSIONER: What date was that, I am
5 sorry?

THE WITNESS: That was in October, I should say, late October.

MR. ARMSTRONG:

10 Q. Late October?

A. Yes.

Q. 1988?

A. That's right.

15 Q. And it was during the course of that conversation, I didn't get a note of it, but I think you said that Charlie Francis said he was going to destroy track and field?

A. He will try and see if he can destroy track and field.

20 Q. That he personally, Charlie Francis --

A. Would try and --

Q. -- would try and do that?

A. Yes.

Q. How was he going to do that?

25 A. Well, don't ask me, I mean he is the

one who said it.

Q. Well, I assume from the way you have put it forward that the suggestion is that he was going to do that when he came into this Commission to testify. Is that it?

A. Well, chances are that's probably what he meant.

Q. Well, that's clearly the inference that one takes from what it is you have said?

A. Okay. Fine.

Q. Do you agree?

A. Sure.

Q. Did he say any more than that, or did he just make that boldfaced statement?

A. Not at whole lot. He said he was going to try and, you know, implicate a lot of people who he thought he assumed were, you know, steroid users and everything else, you know, and that was it.

THE COMMISSIONER: I am sorry, I didn't hear your --

THE WITNESS: He said he would try and, you know, if he can bring people who he knew or had any idea that did stuff, he would. And I think he did. He brought that out in his testimony about John Smith and Chi Chan or whatever her name is, and a couple of other

athletes.

MR. ARMSTRONG:

5 Q. Let me suggest this to you that he met
with you to tell you that he was going to come forward and
tell the truth in this Inquiry --

A. Yes, he also said that.

Q. Yes. And he --

THE COMMISSIONER: Did he say that?

10 THE WITNESS: Pardon?

THE COMMISSIONER: He told you that?

THE WITNESS: Yes.

THE COMMISSIONER: Yes.

15 MR. ARMSTRONG:

Q. And he has consistently told you that,
has he not?

A. Yes, he has.

20 Q. In fact, he has encouraged you from
time to time to come forward and tell the truth in this
Inquiry; is that not so?

A. Correct.

25 Q. And this statement that you say he made
that he was going to try and destroy track and field, that
was made to you at the end of October 1988, right?

A. Correct, around there.

Q. And within about two weeks of that you had your first meeting with the Commission investigators; is that not so?

5 A. Around there, yes.

Q. In fact, you met with Mr. McQueen and Mr. Greczko on the 14th of November?

A. Right.

10 Q. And I have got a transcript of every word you said on that occasion, some 56 pages, and I don't see in that that you told our investigators about the statement that Mr. Francis made that he was going to try and destroy track and field. Have I missed it?

A. True, I might not have said that, yes

15 Q. Well, did you say it?

A. To you?

Q. To our investigators?

A. I can't recall if I did.

20 Q. Yes. Well, take it from me that you didn't, Mr. Williams.

A. Okay, maybe I didn't.

Q. Why didn't you?

25 A. I mean can one recall everything that was supposed to be said? I mean I only answered stuff that was asked of me.

THE COMMISSIONER: Well, this is very important, this is a very significant matter that Mr. Francis --

5 THE WITNESS: But I am saying he did, he did say that to me, sir.

THE COMMISSIONER: But he told you that he was going to come forth and tell you before then he was coming forth to tell the truth to the Commission?

THE WITNESS: Yes, he did.

10 THE COMMISSIONER: And he asked you to do the same thing?

THE WITNESS: Yes, he did.

THE COMMISSIONER: And you know he tried to get all of the other athletes that he was close to --

15 THE WITNESS: Yes, he did.

THE COMMISSIONER: -- to do the same thing? All right. Is that how he was going to destroy track and field?

20 THE WITNESS: Well, he said he was going to try and bring other athletes in that I didn't think had any relevance with it and that was his main purpose. I mean, that's what he said to me.

THE COMMISSIONER: I am sorry, go ahead, Mr. Armstrong.

25

MR. ARMSTRONG:

Q. In any event, this is a very significant statement. I am asking you why you didn't tell our investigators that when you met with them on November the 14th, 1988.

THE COMMISSIONER: Please, Mr. Futerman, you brought this up.

MR. FUTERMAN: Mr. Commissioner, I am going to make this statement regardless of whether you agree with me or not.

First of all, there is no reason for Mr. Armstrong to raise his voice to this witness. Secondly, why he didn't give a statement --

THE COMMISSIONER: He's been criticized for being too quiet, we can't hear him half the time.

MR. FUTERMAN: I am sorry? Well, that's right.

THE COMMISSIONER: It's been suggested he is too quiet throughout the proceedings --

MR. FUTERMAN: No, but there is no reason for him to raise his voice.

THE COMMISSIONER: Well, I think that's --

MR. FUTERMAN: I don't think there is anything in what Mr. Williams is saying that should antagonize Mr. Armstrong.

And, secondly, we weren't there, we weren't there, we weren't present when these investigators asked these questions. I don't know if these questions were asked of Mr. Williams. And I think it's unfair to put
5 that to him in that way.

THE COMMISSIONER: I don't understand, you brought the evidence out, Mr. Futerman. You must have known it was going to come out.

MR. FUTERMAN: I found out last night --
10 THE COMMISSIONER: I see. All right.

MR. FUTERMAN: -- for the first time.

THE COMMISSIONER: I think Mr. Armstrong is entitled to do this. He's got --

MR. FUTERMAN: Sure, he can question him --
15 THE COMMISSIONER: Mr. Armstrong is

conducting himself in a very, very fair mild manner and it's an important allegation and --

MR. FUTERMAN: That's why I hate to see him angry, Mr. Commissioner.

20 THE COMMISSIONER: Well, sometimes everybody isn't as quiet and patient as I am, Mr. Futerman.

All right. But I think it would be right if you reduced your voice by two syllables.

25 MR. ARMSTRONG: Decibels.

THE COMMISSIONER: Decibels. Decibels.

MR. ARMSTRONG: Thank you.

THE COMMISSIONER: Go ahead.

5 MR. ARMSTRONG:

Q. Mr. --

THE COMMISSIONER: I think he's told you,
Mr. Armstrong, he did not tell the investigators about
this conversation.

10

MR. ARMSTRONG:

Q. And I take it, Mr. Williams, you can't
tell me why you didn't tell our investigators knowing as
you must have then known then that this Inquiry was set up
specifically to look at, among other things, the sport of
track and field and its relation to drugs?

15

A. True.

Q. And then do you recall, I assume you
do, meeting with me in the Sunnybrook Hospital on February
16th, 1989?

20

A. Correct.

Q. And we met on that day for what, half
an hour, three-quarters of an hour?

A. Around there.

25

Q. And you didn't tell me about this

statement from -- that Mr. Francis had made, did you?

A. No, I didn't.

Q. You knew at that time that I was one of the Commission counsel?

5 A. Yes.

Q. Is there any reason why you didn't tell me at that time?

A. I mean at times things slip people and you probably don't recollect, you know, everything that, you know, you are supposed to say or whatever. I mean if a question is asked to me, I will answer it the best, you know, to my knowledge. And maybe that's one incident where, you know, it might have slipped.

10

Q. And then you met with me last week, did you not?

15

A. Correct.

Q. And last week we went over the evidence that we expected you were going to give last week?

A. Correct.

Q. And at no time during that meeting with me did you tell me about this statement made by Mr. Francis that he was going to try and destroy the sport of track and field?

20

A. That's correct.

Q. All right. And then, of course, since

25

you went on the stand yesterday, we have had more than one opportunity to meet with others and indeed meet privately, and you have never made that statement to me?

5

10

15

20

25

A. Yes, that's correct.

Q. And ---

MR. FUTERMAN: Excuse me, Mr. Commissioner,
the reason I -- this thing was brought up, I remember this
5 witness in the box yesterday making reference to a
conversation that took place after he returned from Seoul.

MR. ARMSTRONG: Well, please!

THE COMMISSIONER: Well, Mr. Futerman,
that's not fair on your part. I don't know -- you brought
10 the evidence out and that's....

MR. FUTERMAN: No, no. I know. But the
suggestion is that this witness is trying to hide that.

THE COMMISSIONER: I think with, all
respect, Mr. Futerman, that you're trying to coach the
15 witness which you shouldn't do.

MR. FUTERMAN: With great respect, that's
not what I intend to do.

THE COMMISSIONER: All right. Well, now,
will you please -- I have your objection and please sit
20 down, and Mr. Armstrong is conducting a perfectly proper
examination and you know it. Go ahead.

MR. ARMSTRONG:

Q. Now, Mr. Williams, apparently last
25 night you telephoned Mr. Futerman, is that so?

A. Well, he called me also, yes.

Q. He called you?

A. I spoke to him on numerous occasions because the incident that happened yesterday was bothering me.

THE COMMISSIONER: Well, there's nothing wrong with Mr. Futerman discussing matter with Mr. Williams.

MR. FUTERMAN: I think, to get it straight, I think the call came from you first, Mr. Williams.

THE WITNESS: Yes, sir.

THE COMMISSIONER: All right.

THE WITNESS: It was bothering me and I needed somebody to talk to.

MR. ARMSTRONG:

Q. I'm sorry?

A. It was bothering me, the incident yesterday about meeting with Dr. Koch and everything else was bothering me so I needed somebody, you know, to talk to, yes.

THE COMMISSIONER: You were upset about the cross-examination about Dr. Koch?

THE WITNESS: Correct, sir.

THE COMMISSIONER: Because of that, you

discussed -- decided to call Mr. Futerman?

THE WITNESS: Correct, sir, right.

THE COMMISSIONER: And it was during this discussion that you told him about this conversation which they had.

THE WITNESS: Correct, sir.

THE COMMISSIONER: I understand the circumstances.

MR. ARMSTRONG:

Q. All right. And I suggest to you that you were so annoyed with the tenor of the questions that were asked of you yesterday that you thought you'd provide that information so you could lay it out on the floor here today, is that not so?

THE COMMISSIONER: Well, I think, Mr. Armstrong, you're going a little bit far now, please? Just pursue ---

MR. ARMSTRONG: Those are all the questions I have, thank you.

THE COMMISSIONER: Thank you. We'll take a few minutes. I just have a few questions to ask so we might come back after the break.

--- Resumed

THE COMMISSIONER: I just have a few questions, Mr. Williams, to clarify some of the matters that you've discussed in your testimony.

I want to go back to the discussion that Miss Issajenko said she had with you in Seoul after Mr. Johnson was disqualified, do you remember that?

THE WITNESS: Correct.

THE COMMISSIONER: And she said that -- I want to get her evidence accurately.

I'll just read a few of her questions and answers and then I'll ask you. She said;

"Q. Did you have some conversation with Desai Williams in Korea about clearance times?"

She said;

"A. Yes I did.

Q. How did that conversation arise and tell us about the conversation, please?

A. It came up because I went to Desai and I explained to Desai the idea that I had about the sabotage theory."

Now, do you remember a conversation with Miss Issajenko in Seoul where she discussed her theory about sabotage?

THE WITNESS: Correct.

THE COMMISSIONER: All right.

"Q. So this would have been after it became known that Ben had tested positive?

5 A. That's correct. And Desai said to me he did not believe it was sabotage."

Do you remember -- is that right?

THE WITNESS: I can remember saying ---

THE COMMISSIONER: Pardon?

10 THE WITNESS: I think I said to Angie it was a setup.

THE COMMISSIONER: Pardon?

THE WITNESS: I think I said to Angie it was a set up.

15 THE COMMISSIONER: Well, That would be a sabotage then, if it was a setup.

THE WITNESS: Fine.

20 THE COMMISSIONER: But she says you did not believe that it was sabotage. I thought said in your evidence in chief you agreed with that, that you did tell her that?

THE WITNESS: No, I did not say that -- I did not, in my evidence say I don't believe it wasn't sabotage. I still do.

THE COMMISSIONER: You didn't say that?

25 THE WITNESS: No, sir. I still up to today

think that Ben was set up.

THE COMMISSIONER:

"A. Then he said, I passed within 28 days
of the nationals. I gave it 28 days here."

5 I know you deny saying that?

THE WITNESS: That's right, sir.

THE COMMISSIONER:

"A. And I just think Ben and Jamie cut it
too close."

10 Did you tell her that?

THE WITNESS: No, sir.

THE COMMISSIONER: All right. Well, when
you were in -- when the group were in Toronto and, before
they left for Korea -- Japan, Korea, you told us that you
15 got a prescription from Dr. Astaphan?

THE WITNESS: Correct, sir.

THE COMMISSIONER: And Ms. Issajenko says
that all the athletes in this little group were, for the
first time, given diuretics on the way to the Olympics and
20 you got a prescription that you told us?

THE WITNESS: Correct, sir.

THE COMMISSIONER: From Dr. Astaphan?

THE WITNESS: Correct.

THE COMMISSIONER: And that prescription, I
25 think you told us, was for a laxative and a diuretic?

THE WITNESS: Correct, sir.

THE COMMISSIONER: And had you ever been given a diuretic before?

THE WITNESS: No, sir.

5 THE COMMISSIONER: And I think you said that prescription was filled by Mark McKoy's brother or something, at the pharmacy?

THE WITNESS: Correct, sir.

10 THE COMMISSIONER: So, did Mark McKoy also get the same prescription.

THE WITNESS: No, sir.

THE COMMISSIONER: Just you?

THE WITNESS: Just I got a prescription from Jamie.

15 THE COMMISSIONER: Was it for both you and Mark, though?

THE WITNESS: I'll assume it was, sir.

THE COMMISSIONER: I see. For you and Mark. And Miss Issajenko said all the athletes on the way to
20 Korea were given, for the first time, diuretics by Dr. Astaphan?

THE WITNESS: I think when she said all the athletes, all the athletes --

THE COMMISSIONER: Within this little group,
25 the group that were on the steroid program?

THE WITNESS: Well, I can't recall if all the athletes. I know I can only speak on my behalf that I got the prescription.

5 THE COMMISSIONER: How was it that you got a prescription from Dr. Astaphan who, I think you told us, really wasn't your doctor?

THE WITNESS: That's right, sir.

THE COMMISSIONER: How did it come about? How does one get a prescription? Did you ask for it?

10 THE WITNESS: Well, no, I did not, sir. Well, according to the statement given, Angie said that Mark was given some substance outside in the parking lot of York.

15 THE COMMISSIONER: No, I'm talking about a prescription now. You had a prescription filled through Mark McKoy's brother. I gather he works at a pharmacy.

THE WITNESS: Correct, sir.

20 THE COMMISSIONER: Now, you know that diuretics are used by persons on a steroid program or can be?

THE WITNESS: I didn't know that, sir.

THE COMMISSIONER: Pardon?

THE WITNESS: I did not know that, sir.

25 THE COMMISSIONER: Well, you didn't know what a diuretic was before?

THE WITNESS: Did I know what a diuretic was before?

THE COMMISSIONER: Yes?

THE WITNESS: Before I got them? No, sir.

5 THE COMMISSIONER: You never knew what a diuretic was?

THE WITNESS: No, sir.

THE COMMISSIONER: Well then, how did you get a prescription for a diuretic.

10 THE WITNESS: It was given to me by Jamie Astaphan.

THE COMMISSIONER: And where was this -- was it at York Centre?

THE WITNESS: Correct, sir.

15 THE COMMISSIONER: And what did he say?

THE WITNESS: He just told me go to the drug store and fill this prescription, which I did, and maybe I should not have, but I did.

20 THE COMMISSIONER: Well, would it be for you and Mark McKoy?

THE WITNESS: I would assume so, sir.

THE COMMISSIONER: Pardon?

THE WITNESS: I would assume so.

25 THE COMMISSIONER: And you also said something about a laxative.

THE WITNESS: Correct, sir.

THE COMMISSIONER: By prescription because one can buy laxatives at a pharmacy?

THE WITNESS: Pardon?

5 THE COMMISSIONER: This is a prescribed prescription...

THE WITNESS: Yes, sir.

THE COMMISSIONER: Laxative?

THE WITNESS: Yes, sir.

10 THE COMMISSIONER: And did you leave this home with you in Toronto?

THE WITNESS: Correct, sir.

15 THE COMMISSIONER: Why did you have a prescription filled if you weren't going to use the substance?

THE WITNESS: At the time ---

THE COMMISSIONER: I'm just trying to find out. I'm not --

20 THE WITNESS: Well, at the time, when I got the prescription, I assumed that there was something else being given to me -- was going to be given to me also, because Angie made a statement that Mark received something.

25 So I assumed that the prescription was supposed to be for myself and Mark McKoy.

THE COMMISSIONER: Well, I don't -- you're a very intelligent, well educated young man and you didn't know that sometimes diuretics are used so you could excrete the -- if you had not -- anybody who taken it could excrete the substance faster?

THE WITNESS: Well, at the time I didn't know what a diuretic was, sir.

THE COMMISSIONER: I see. But you got a prescription for it and didn't ask for it, it was just given to you? You filled the prescription, you left everything home?

THE WITNESS: Yes, sir. When I received the prescription, according to Mr. Armstrong, it had some name on it that I never even heard before. I did not know it was a diuretic, sir.

THE COMMISSIONER: Well then, when you got it back, would you not be inquisitive at all? What have I got here?

THE WITNESS: I was. That's why I didn't touch it, sir.

THE COMMISSIONER: Miss Issajenko said that when you were in Seoul, you and Desai came to her in Seoul and you gave her what you had of the diuretics.

THE WITNESS: I did?

THE COMMISSIONER: You and Desai, yes?

THE WITNESS: Myself -- I'm Desai, sir.

THE COMMISSIONER: No, I'm sorry, you and Mark?

5 THE WITNESS: That's incorrect, sir. I did not give Angie any form of diuretic.

THE COMMISSIONER: She said you gave it -- both you and Desai -- you and Mark gave it to her because you told her that you didn't need it because you had 28 days clearance, where the others may not have?

10 THE WITNESS: That's not true, sir.

THE COMMISSIONER: I see. All right. And then, when you are in Seoul and just before the -- the night before the finals or semi-finals and finals, I think you said Mark McKoy came and gave you this bottle of vinegar and honey?

THE WITNESS: Correct, sir.

THE COMMISSIONER: And you were -- it was for you and for Mr. Johnson to be taken after the final -- after the finals?

20 THE WITNESS: Correct, sir.

THE COMMISSIONER: And Ms. Issajenko said that she understood that vinegar and honey could be a sort of masking agent, that's what she testified to?

THE WITNESS: Well, I would not know, sir.

25 THE COMMISSIONER: Have you ever heard about

masking agents at all?

THE WITNESS: No, sir.

THE COMMISSIONER: I see. And then you --
you took the vinegar and honey and put it into another
5 container, I understand?

THE WITNESS: Correct, sir.

THE COMMISSIONER: And took it to the track?

THE WITNESS: Correct, sir.

THE COMMISSIONER: And as instructed, you
10 were to take it yourself?

THE WITNESS: I was supposed to, sir.

THE COMMISSIONER: I think you said you
didn't take it because you didn't need it.

THE WITNESS: Correct, sir.

15 THE COMMISSIONER: What did you mean by
that?

THE WITNESS: Because I've never drank
vinegar and honey after a race. I didn't see any need for
me to conceal any ---

20 THE COMMISSIONER: Well, you'd never heard
of vinegar and honey before, you said.

THE WITNESS: That's right.

THE COMMISSIONER: but you said you didn't
take it because you didn't need it?

25 THE WITNESS: I didn't need it, that's

right.

THE COMMISSIONER: And you didn't have any idea what it possibly could be for?

THE WITNESS: No, sir.

5 THE COMMISSIONER: Now, just going back to a couple of other matters and it might be my fault, I'm sure, but I'm still puzzled about this visit to Dr. Koch which may or may not be important.

10 As I understand your testimony, when you were sitting in the waiting room with Dr. Koch, Mr. Francis, you thought, was the patient of Dr. Koch?

THE WITNESS: Correct, sir.

THE COMMISSIONER: And he was going in for whatever medical advice or assistance he needed?

15 THE WITNESS: Correct, sir.

THE COMMISSIONER: And you're in the waiting room?

THE WITNESS: Correct.

20 THE COMMISSIONER: And you went in to see the doctor, whatever date it was, and suddenly you're on the examining table?

THE WITNESS: Correct, sir. I was called into the room.

25 THE COMMISSIONER: Well, did you tell the doctor, there's some mistake here, doctor, you've got the

wrong patient. You know, I'm not supposed to be here.
You're supposed to be look at Mr. Francis?

THE WITNESS: Pardon?

THE COMMISSIONER: I'm puzzled that you go
5 in to a doctor that you didn't want to see, didn't want to
have examined -- be examined by or discuss any of your
matters with him and suddenly you're on this table being
examined.

Wouldn't you -- I would have thought you
10 would say, 'Wait a minute, doctor, there is a mistake
here. Mr. Francis is the patient. I don't want to be
here'?

THE WITNESS: I might have said something
like that but as far as I can recall, I did not say
15 anything like that.

THE COMMISSIONER: Are you suggesting that a
doctor would examine a patient against a patient's will?

THE WITNESS: Well, when he examined me,
there was an imbalance, like I said before.

20 THE COMMISSIONER: But, at that time you are
subjecting yourself to an examination. He did not force
you on the table and examine you against your will?

THE WITNESS: No, he did not.

THE COMMISSIONER: And so you must have
25 given him the impression that you were there to see him?

THE WITNESS: Well, I had -- like I said before, I had a problem with my hamstring before, in the States.

5 THE COMMISSIONER: No. But, up to this time, you've indicated that when you went into Dr. Koch's office you weren't there to see him at all, that it was some sort of subterfuge by Mr. Francis?

THE WITNESS: That's right.

10 THE COMMISSIONER: Well, did you tell the doctor, 'Just a moment, doctor...' I mean, 'What are you examining me for, I'm not here to see you'?

THE WITNESS: I might have but I can't recall ever saying anything like that to the doctor.

15 THE COMMISSIONER: You might have and yet he would go ahead and do it anyway?

THE WITNESS: Maybe because I know what Charlie's philosophy was.

THE COMMISSIONER: Well, what does Charlie's philosophy got to do with the doctor?

20 THE WITNESS: Well, I mean, if I came there and I basically went against his will, his intentions were to take me down to the doctor all along.

25 THE COMMISSIONER: Why would he want to take you to a doctor to discuss steroids? Why take you to a doctor? An independent man, he's a medical practitioner.

Why would he sort of highjack you into a doctor's office?

THE WITNESS: Well, he didn't highjack me. It was a matter of me having trust and faith in Charlie at the time and we went together.

5 As you can recall, the doctor also said that he didn't give Charlie anything and he didn't give me anything but yet I received this substance outside.

THE COMMISSIONER: I see. Well then, following up the question Mr. Futerman put to you about the conversation with Mr. Francis after you returned from
10 Seoul?

THE WITNESS: Correct.

THE COMMISSIONER: And I guess all of you were upset about what had transpired, right?

15 THE WITNESS: Correct.

THE COMMISSIONER: And had the -- had the Royal Commission been announced by that time, that they were going to have this Commission?

20 THE WITNESS: I think that, what, by the time I got home from Seoul?

THE COMMISSIONER: No, by the time you had this meeting with Mr. Francis?

THE WITNESS: Even before I came home, I heard there was going to be an inquiry.

25 THE COMMISSIONER: Yes, an inquiry. It was

after that, that you met Mr. Francis in the doughnut shop?

THE WITNESS: Correct, sir.

THE COMMISSIONER: And Mr. Francis told you,
I think you said frankly, he was going to be called to be
5 a witness and he was going to tell the truth?

THE WITNESS: Correct.

THE COMMISSIONER: And the whole truth?

THE WITNESS: Correct.

THE COMMISSIONER: And he exhorted all the
10 other athletes to do the same?

THE WITNESS: Correct.

THE COMMISSIONER: And at the same time, you
said that he was out to -- that he was going to try to
destroy track and field?

15 THE WITNESS: Correct, sir.

THE COMMISSIONER: By everybody telling the
truth, is that how it was going to destroy it?

THE WITNESS: No, because he said he was
going to try to implicate as many people as he possibly
20 can.

THE COMMISSIONER: Like whom? Did he
mention.

THE WITNESS: Athletes. He said he was
going ---

25 THE COMMISSIONER: He told you he was going

to tell -- he wanted everybody to tell the truth?

THE WITNESS: He said he was going to try to dig up stuff on a numerous amount of athletes, which I didn't really -- you know, see eye-to-eye on and didn't think it was necessary.

THE COMMISSIONER: He said he was going to tell the truth?

THE WITNESS: Pardon?

THE COMMISSIONER: He said he was going to tell the truth, not dig up stuff?

THE WITNESS: Yes. But he also said he was going to get as much information on other athletes, too.

THE COMMISSIONER: All right. I see. And that was -- that was before he testified here, I gather?

THE WITNESS: Yes, sir.

THE COMMISSIONER: And you have still been competing athletically, Mr. Williams.

THE WITNESS: Trying to, to the best of my ---

THE COMMISSIONER: I understand. You were in Hungary recently. How did you do, by the way, in Hungary?

THE WITNESS: I missed the place finals by one placing.

THE COMMISSIONER: By one placing?

THE WITNESS: Yes.

THE COMMISSIONER: What was your time?

THE WITNESS: 6.64.

THE COMMISSIONER: All right, thank you, Mr.

5 Williams.

THE WITNESS: Thank you, sir.

THE COMMISSIONER: Thank you. Ms. Chown?

MS. CHOWN: Thank you, Mr. Commissioner.

Our next witness is Mike Sokolowski and he's present here
10 in the hearing room.

THE COMMISSIONER: Thank you.

MIKE SOKOLOWSKI: Sworn

THE COMMISSIONER: Mr. Sokolowski, Ms.
15 Chown.

EXAMINED BY MS. CHOWN.

Q. Thank you. Mr. Sokolowski, I understand
that you were born in Katowice, Poland in 1962?

A. Yes, that's correct.

Q. And you are the son of athletic
20 parents. I understand that your mother was an
international long jump competitor for Poland?

A. Yes.

Q. As well, your father competed at the
25 college level?

THE COMMISSIONER: Excuse me. Are you
having trouble hearing?

MR. FUTERMAN: I am, sir.

THE COMMISSIONER: Just get closer to the
5 mike and make sure it's working. Will you try it? Give
it a tap. Thank you.

MS. CHOWN:

Q. I understand your father was a
10 shot-putter who competed at the college level in Poland?

A. Yes.

Q. You came to Canada with your family in
1972?

A. That's correct.

Q. You lived, first of all, in Ottawa
15 where your father was qualifying as a physician?

A. Yes.

Q. Reviewing with you briefly, your
educational background, Mr. Sokolowski, I understand that
20 you entered school in Canada but because you didn't speak
English you were put one grade behind?

A. Yes, that's true.

Q. And you, shortly after moving to
Ottawa, then moved to Chatham, New Brunswick with your
25 family?

A. Yes.

Q. Where you competed -- completed your public school education?

A. Yes.

5 Q. You returned for Grade 7 and 8 to Ontario where you attended Ridley College?

A. Yes.

10 Q. And then you went to back to New Brunswick to do your high school getting your Grade 12 in 1980?

A. Yes.

Q. And what did you do following Grade 12, as far as your education went?

15 A. Following Grade 12, I went to Springfield College in Massachusetts.

Q. Why did you choose Springfield?

THE COMMISSIONER: What was the college, please?

20 THE WITNESS: Springfield College, Massachusetts.

MS. CHOWN:

Q. Why did you choose Springfield College?

25 A. Simply my interest in track and field was at a level where, with a little bit of knowledge I had

on track and field, I knew that track and field was much more highly developed in the United States than in Canada, at least at the college level.

5 Q. Am I correct in understanding that you, in fact, attended Springfield on a full athletic scholarship?

A. No.

Q. Did you have any athletic -- any scholarship assistance?

10 A. Not officially.

Q. All right. You were at Springfield from the fall of 1980 until the end of the fall term in 1983?

A. Yes.

15 Q. What did you study there?

A. I first entered Springfield as a physical education major and later switched to business.

20 Q. Now, at Christmas in '83, after completing your term, you left Springfield and, as we'll hear later, began to embark on a training program geared toward the 1984 Olympics?

A. That's correct.

Q. Am I correct in understanding that since Christmas of '83 you have not returned to school?

25 A. That's true.

Q. And at the present time you're employed as a site supervisor at a construction site in Toronto?

A. That's true.

5 Q. Now, I'd like to turn to your athletic career, Mr. Sokolowski.

I understand that although you've run many events in the early years of your career, you're primarily a 400 metre runner?

A. That's correct.

10 Q. And it was, in fact, at Ridley College in Ontario that you first started your own track and field career when you were in Grade 7 and 8?

A. Yes.

15 Q. And at that time you participated in a number of events, including the quarter mile?

A. Yes.

Q. And you competed for your school in meets across Ontario?

A. Yes.

20 Q. When you returned to New Brunswick and attended high school there, did you continue to compete for your high school?

A. Yes, I did.

Q. In what events?

25 A. All the sprints, some of the jumps,

relays.

Q. All the sprints, 100 metre, 200 metre, 400 metre?

A. Yes.

5 Q. You also did some long jump?

A. Long jump, triple, some relays also.

Q. As well as that time, I understand you became a member of the track and field club in Chatham, New Brunswick?

10 A. Yes, it was the Chatham Track Club.

Q. When you went to Springfield College, as you indicated to us, you were studying phys. ed. and I understand, as well, that you competed for Springfield College on the college circuit in the United States?

15 A. Yes, I did.

Q. You were coached by a Mr. Ken Klatka?

A. Yes.

Q. And again, what events -- did you participate in, in the United States?

20 A. Once again, all the sprints and the jumps and relays.

Q. Now, I understand that sometime in the spring of 1982, you had had your eye on what was happening in the track and field scene in Canada and am I correct in understanding that in that spring in '82 you returned to

25

Toronto to enter some competitions here?

A. Yes. I got ahold of an athletics magazine and I compared my times with those being run up in Canada and I decided I had a good shot at making a Canadian team, so I decided to come up in the spring of '82.

THE COMMISSIONER: That's '82 now?

THE WITNESS: 1982. I came up, rented a car with a friend of mine. We came up for what I thought then was an European qualification meet; that's what it was called.

MS. CHOWN:

Q. Did you participate in the 400 metre race in that meet?

A. Yes, I did.

Q. How did you place?

A. Second.

Q. And as a result of your placing in that race, did you qualify to go on this European tour?

A. Well, according to my placing, I should have, but not even one coach talked to me so I just packed up and I went back to Springfield.

Q. So, you just left and went back to the States?

A. Yes.

Q. And you would have completed your school term in Springfield then in the spring and I understand as well returned to Springfield in the fall of 1982 and it continued to compete in the college circuit?

A. Fall of 1982? Fall of 1983?

Q. 1982, we're still in.

A. 1982, yes, that's correct.

Q. But in the summer of 1983, you once again returned to Toronto?

A. Yes, that's correct.

Q. And was that again for the purpose of competing in Canadian meets?

A. Yes.

Q. Am I correct in understanding then the summer 1983 was the first time that you made the national team in Canada for the 400 metres?

A. That's correct.

Q. Where did you stay in the summer of 1983?

A. With Charlie Francis at his apartment.

Q. And how did it come about that you ended up living with Mr. Francis that summer?

A. I got ahold of Mr. Francis over the phone from Springfield and basically arranged to come up

to Toronto and train under his tutelage.

Q. Had you heard about Mr. Francis as a sprint coach in track and field circles prior to this time?

5 A. I basically traced Mr. Francis back by his athletes. I just checked into who had the results, who had -- who were the athletes and who they were coached under. Most of the athletes were coached under Charlie Francis, the one with results, anyway.

10 Q. When you say tracked down Mr. Francis and approached him and was the purpose of that call to ask you -- if he would assist you with -- by coaching you?

A. Yes.

Q. He agreed to do so?

15 A. Yes.

Q. And when you came up then in the summer of 1983, did you at that time then become a member of the Scarborough Optomist Track and Field Club?

A. Yes, I did.

20 Q. And as well, I presume, got to know the other athletes who were members of that club in training with Mr. Francis?

A. Yes.

25 Q. In particular, did you get to know Mr. Johnson at that time?

A. Yes, I did.

Q. And can you tell me what you got to know about him and ---

A. Ben is basically a very quiet person.
5 I was impressed at seeing Ben and all the other athletes.
I've only seen them on TV and so on, beforehand. Just a
very pleasant person all together.

We didn't really talk that much at that
point. Ben's the type of quiet person so it was just --
10 just a mutual understanding that we were all athletes and
we were trained together. It was a nice relationship.

Q. Now, in that summer of 1983, you
participate in the outdoor nationals, in June of 1983,
placing third in the 400 metres with the time of 47.24?

15 A. Yes, in Calgary.

THE COMMISSIONER: Was Mr. Bethune running
at that time?

THE WITNESS: Yes, he was.

THE COMMISSIONER: With your group?

20 THE WITNESS: Yes.

THE COMMISSIONER: He was also a 400 metre
man?

THE WITNESS: The first time I ran against
Mr. Bethune was in 1982 when I came up here for that
25 European qualification meet.

THE COMMISSIONER: He was still number one in the 400 metre in Mr. Francis group, I guess, at that time?

5

THE WITNESS: Mr. Bethune was never with Mr. Francis.

THE COMMISSIONER: Oh, no, I'm sorry. That's right. He was one of our number one 400 -- he was one of our better 400 metres runners?

10

THE WITNESS: Yes, as I recall.

MS. CHOWN:

Q. Now, I understand as well, that you participated in the University Games in the summer of 1983?

15

A. Yes, I did.

Q. And there was a meet in Helsinki that year. Did you attend at that meet?

A. No. They decided not to take me.

Q. When you say they?

20

A. Whoever was responsible for picking the teams.

Q. And was it your view that you should have gone to Helsinki as a 400 metre runner or as part of the relay team?

25

A. Absolutely.

Q. And why was that?

A. Placing third at the nationals, placing
at a sanctioned meet beforehand in 1982, I figured that a
national championship determines whether athletes -- which
5 athletes should go to international meets or not.

But to my understanding was, and I found out
later on, a lot of politics are involved in Canadian Track
and Field and the way they pick teams sometimes are not,
to my assessment anyway, fair.

10 Q. Now, in the summer of '83, I understand
as well, that you participated in a track meet in Los
Angeles?

A. Yes.

15 Q. And was that one of the first times
that you had come into contact yourself with
international -- international calibre athletes in your
event and other events?

A. Yes.

20 Q. And as a result of that meet, I
understand that you made a decision that while you would
complete your school term in the fall of 1983, you would
then leave school and begin to train full-time for the
1984 Olympics?

A. Yes.

25 Q. And was that decision of yours made

with the assistance and guidance of Mr. Francis, as well?

A. No. I made that decision myself.

Q. Did Mr. Francis feel that you had the potential to compete at the 1984 Olympics?

5 A. Yes.

Q. Now, we've heard -- you said you returned to Springfield and then came back to Canada and began to train full-time in January of 1984 as a member of the Scarborough Optomist Track and Field Club?

10 A. Yes.

Q. And at that time, we've heard from other evidence that Ms. Issajenko, Mr. Johnson, Mr. Sharpe, Miss Killingbeck and Mr. McKnight would have been members of the group?

15 A. Yes.

Q. And did you notice any difference in the training regime that Mr. Francis put you on compared to what you had been used to in the United States or in your high school training?

20 A. Absolutely. Do you want me to elaborate on that?

Q. Yes, please?

A. In the United States I basically trained on my own. The coach at my school was more of an administrator than that coach, so I did a lot of reading

25

and so on and basically trained myself. The type of training I did in the United States and previously was mostly aerobic which isn't really what I need for my event since my event is like 95 per cent anaerobic.

5 Q. But, I presume at the time you thought that that was the appropriate type of training?

A. Yes, I did. When I came up to Toronto I got a rude awakening from what I was really supposed to do. And, it was quite a shock to my system in fact.

10 For three, four months I remember I was trying to catch up or try to train at the same pace or level that the other athletes were training. I remember one time training with Molly Killingbeck who ran me into the ground.

15 Q. We've had the privilege of seeing Miss Killingbeck on the stand here and she is a rather petite woman.

THE COMMISSIONER: She's a little smaller than you are.

20 THE WITNESS: Yes.

THE COMMISSIONER: And lighter.

THE WITNESS: Yes.

MS. CHOWN:

25 Q. You're saying that Miss Killingbeck

could, using your words, run you into the ground?

A. Yes.

Q. By that, do you mean she had endurance that you did not have at that time?

5 A. Oh, absolutely. In my event, size doesn't always play a positive part, in the event. So, it was more of an endurance type of workout.

THE COMMISSIONER: When you're smaller you're better, is that the....

10 THE WITNESS: Well, there is a fine line in the 400 metres.

THE COMMISSIONER: Maybe I missed my calling.

15 THE WITNESS: There is a fine line in the 400 metres. It's somewhere in between...

THE COMMISSIONER: Some people say it's really the toughest of all the sprints. Is that ---

20 THE WITNESS: Yes. It's full-out sprint over a quarter of mile and it's -- it takes a big toll on you. So you have to have a combination of endurance and speed and strength, a nice mixture.

MS. CHOWN:

25 Q. All right. Continuing then with your program and competitions in 1984, I understand, and we'll

hear a bit more about this later, that the rest of Mr. Francis' sprint athletes went to a training camp in Guadeloupe in March but you and Mr. McKnight remained behind in Toronto and continued training on your own that spring?

A. Yes.

Q. And as well, in the spring of '84, the group went to Provo, Utah for a combination competition and sprint camp?

A. Yes.

Q. And I understand Mr. Francis arranged for funding so that you were able to attend this camp as well?

A. Yes, as I recall.

Q. And that brings us to the summer of '84 where you participated in the 400 metres at the National Outdoor Championships in Ottawa and I understand placed second at that time?

A. Yes, that's correct.

Q. And in early August 1984, just prior to the Los Angeles Olympics, you also attended the Harry Jerome Meet?

A. Yes.

Q. And we've heard some evidence before that at that race, or that meet, it was basically ended up

to be a runoff between the Canadian A team and the Canadian B team?

A. That's correct.

5 Q. Can you tell me your understanding as to why the field seemed to be limited to this small number of competitors?

A. It all started basically at the nationals. There was some discrepancy of whether Canada was going to send any 400 metres runner at all.

10 And after the nationals even though we had basically, or we knew who were -- the 4 x 400 relay members were going to be, the Canadian Track and Field Association, as I understood it, told us that we had to requalify again at the Harry Jerome meet and I think that
15 time they gave us we had to run was 3.04, at that time.

They also assured us it wouldn't be any problem in running that time since Jamaica, England and Australia were going to be there.

20 Q. And just so we're clear, the 3.04 you're referring to is the time, the qualification time, for the 4 x 400 metre?

A. Yes, the 1600 metre relay.

Q. All right.

25 A. And I remember clearly understanding that the meet was not going to be tested, that that was

one of the big things that athletes were talking about.
It wasn't a tested meet.

Q. This was something the athletes were
made aware of prior to the meet?

5 A. Yes, always. And I remember two days
before the meet, or even one day before the meet, all of a
sudden it came about that there was going to be testing at
the meet and all of a sudden, Australia and England and
Jamaica came up with injuries and their buses broke down
10 and what ended up happening was nobody showed up.

So we had to run against ourselves.

Q. So the Canadian A team and B team went
on a compete?

A. Yes.

15 Q. I understand that you were part of the
four-by-four team there and indeed did meet the qualifying
team that had been set prior to the Harry Jerome meet?

A. Yes, I knew I was on the team,
approximately five minutes before the race.

20 Q. I think you've told me that there was
some confusion, as you perceived it, you were told
initially that you were going to lead off the Canadian B
team and then a few minutes before the race you were told
that you would now lead off the Canadian A team?

25 A. Yes. As I understood it then, they

were trying to get Desai to run in the 4 x 4.

Q. Mr. Williams?

A. Mr. Williams. And Desai doesn't like the 400, I know that as a fact, and they were trying to get him in the race but he refused to run so I guess they had no choice to put me in.

So, they were playing with me like a yo-yo which wasn't the thing to do if you're trying to put, you know, your best foot forward.

Q. You're trying to concentrate on running a race?

A. On running a race. You shouldn't juggling an athlete around like that.

Q. Now, I understand that you ran the first leg of that team and the other team members were Doug Heinz?

A. Yes.

Q. Brian Saunders?

A. Yes.

Q. And Tim Bethune?

A. That's correct.

Q. The team ran approximately 3.03?

A. Mm-hmm.

Q. That team we mentioned went on to compete at the 1984 Olympics in Los Angeles. And did the

runners run in the same order, that is you were the lead-off runner?

A. As I recall, yes.

Q. How did you place in the Olympics?

5 A. We came in 8th in the final.

Q. And just to put that in some perspective, I understand your time at the Olympics was 3.02.82 and can you comment on what the team's reaction was to that time in their placing?

10 A. Well, we heard from sources inside the Canadian team that nobody gave us a snowball's hell in chance.....

THE COMMISSIONER: We know the expression.

15 THE WITNESS: Of even making, you know, making it out of the heat. We made it out of the heats and again we made it out of the semi-finals by disqualifying West Germany and some big powers and in then the finals we were one/tenth off the Canadian record which stood for quite a long time.

20

MS. CHOWN:

Q. So, you were pleased, very pleased with that performance?

A. Very much so.

25 Q. I understand in the fall of 1984 you,

yourself, or indeed the replay team did not take part in any further competitions?

A. No. After that, they packed us up and sent us home.

5 Q. Turning then to the 1985 season, I understand that you became carded for the first time in 1985?

10 A. Yes. They had no choice in that matter because their criteria stated that anyone who made the Olympic team in 1984 would automatically be carded and since the carding system is retroactive it's set back one year.

Q. So you were carded in 1985 based on your 1984 performance?

15 A. 1984 performance, yes.

Q. And just touching on some of the events that you participated in 1985, you participated in the indoor nationals in February of that year?

A. Yes.

20 Q. You then went to Provo, Utah in May of 1985?

A. Yes.

Q. Where you placed fourth in the 400 metres?

25 A. Yes.

Q. Running a time of 46.86?

A. Yes.

Q. And you participated in other races in Provo, as well?

5 A. I would also like to state that I got injured in Provo at that time.

Q. All right. I understand that you had some tearing of one of your muscles?

A. Yes, my hamstring.

10 Q. And that injury that occurred then in the spring of '85, as we'll hear, continued to cause you some difficulties for the rest of the year?

A. For the season, yes.

15 Q. In June of 1985 you participated once again in the Harry Jerome Meet placing 4th in the 400 metres?

A. As I recall, yes.

20 Q. And then in the Pacific Conference Games, again participating in the 400 metres, you placed 6th?

A. Yes, as I recall.

Q. In August, you participated in the Canadian National Outdoor Championships placing 4th in your event, the 400 metres?

25 A. Yes. In Pan Pacific Games, as I may

state, I had a major injury.

Q. The Pan Pacific Games were held in San Francisco in August of 1985?

A. Yes.

5 Q. And I understand you were running in the 4 x 400 relay?

A. Yes.

Q. What happened in that race?

A. At about 180 metres I really tore my
10 hamstring badly and I was taken off on a stretcher and then in an ambulance.

Q. I guess it goes without saying that the effect of that injury was to prevent you from competing further in the 1985 season?

15 A. Yes, that was it for '85, no question.

Q. You did, however, resume your training in the fall of 1985 and indeed put in a very intense work out to prepare for the 1986 season?

A. Yes, after a disappointing season in
20 1985, I sat down and I approached the whole thing from a scientific point of view and I really prepared well for 1985 -- the '85 fall season and -- to prepare for 1986.

Q. Okay. And when we went into -- when
you went into 1986, one of the first pieces of
25 disheartening news that you received was information from

Sport Canada that your carding had been suspended or cut off?

A. Yes. I found that out in the -- close to Christmas.

5 THE COMMISSIONER: Was that because you were inactive in '85, is that what it was?

THE WITNESS: Well, from the way I understood it, we're supposed to be machines and we're not supposed to get injured. So, as soon as you got injured
10 you were cut off from carding. That's my understanding.

THE COMMISSIONER: I thought you said it was sort of retroactive. They look at '84's performance to decide if you're going to be carded in '85, is that right?

THE WITNESS: Yes, but I -- from what I
15 understand, the reason they cut my carding was because of my performances in 1985.

THE COMMISSIONER: That's what I mean. So '85 for '86 would be -- because you were injured, you weren't performing in '85?

20 THE WITNESS: Yes. In '85 I was injured the whole time, so....

THE COMMISSIONER: So, when it comes time for carding for '86 you would not, in their view, you didn't qualify?

25 THE WITNESS: I did qualified but I got

injured.

THE COMMISSIONER: Even though you were
injured and were not running? I see.

5

10

15

20

25

Q. And you kind of alluded to this, but I take it your reaction to having your carding cut was to feel extremely discouraged and disheartened in early 1986?

5 A. Oh, absolutely. I mean being injured as an athlete is something every athlete goes through sooner or later in their career. And to have that hanging over your head whether you are going to be carded or funded or supported by the sport governing bodies was
10 determined whether you were injured or you weren't injured. I think it's ludicrous, it shouldn't be like that.

THE COMMISSIONER: Is that the general practice, though, that if you are laid up for a year
15 because of injuries that you don't get carded?

THE WITNESS: Oh, no, there was athletes that were injured or didn't have a good season or seasons.

THE COMMISSIONER: But you were singled out for this treatment, is that what your feeling is?

20 THE WITNESS: Yes, yes, just like I was singled out for staying home from the Helsinki World Championships in '83.

THE COMMISSIONER: I see.

25

MS. CHOWN:

Q. Did you make any protest or take any appeal from the fact that your carding had been cut off?

5 A. I have made my qualms quite evident with Charlie. I spoke to him about it quite a bit and so on. And Charlie always said he would take care of it, and he would have a talk with them, and this and that, but not very much was done.

10 Q. But as far as you taking any steps either through the CTFA or directly with Sport Canada, did you take any such followup steps yourself?

A. No.

15 Q. Then following that loss of funding, I understand that you made a decision sometime in February or March of 1986 that you would leave track and field and, in fact, you did so and went out to British Columbia where you obtained a job and worked until the end of 1986?

A. Yes, I made the decision in -- I remember New Year's Eve, January.

20 THE COMMISSIONER: Was that resolution?

THE WITNESS: Yes, it was. I was just tired of everything. And I went out to B C.

MS. CHOWN:

25 Q. And separated yourself totally from the

world of track and field?

A. Yes. At that point, I decided to stop my running career altogether.

5 THE COMMISSIONER: So, actually your last race was in '84; is that right?

THE WITNESS: Yes, the Olympic games.

THE COMMISSIONER: Then though you resumed in training in '85, because you weren't carded, you felt you were going to look for another career?

10 THE WITNESS: Yes. I would like to also add that in 1985, the fall, I went with Charlie Francis and the group to Guadeloupe.

MS. CHOWN:

15 Q. That's right, too, a training camp?

A. At a training camp. My understanding the reason why I went was because my training was going so well in '85. When I went to Guadeloupe, we had -- we ran times and so on and so forth, and unofficially Charlie
20 informed me that I was under the Canadian record in the 400 meters on the basis of my practice runs.

THE COMMISSIONER: This was in --

THE WITNESS: This was in Guadeloupe.

25 THE COMMISSIONER: -- in the fall of -- no, the winter of '85.

THE WITNESS: Yes.

MS. CHOWN: Fall of '85.

THE COMMISSIONER: Fall of '85.

MS. CHOWN: Late fall?

5 THE WITNESS: And being --

THE COMMISSIONER: So, at that stage then, you were encouraged by your performance. And, I guess, when did you hear that you weren't going to be carded for '86?

10 THE WITNESS: This is what really discouraged me since I had such a great camp, I had such a great fall, all the indications pointed to me having a really, really, good summer.

THE COMMISSIONER: For '86?

15 THE WITNESS: For '86. And Charlie being the head sprint coach, head Canadian sprint coach, I figured he would --

THE COMMISSIONER: Go to bat for you?

20 THE WITNESS: -- go to bat for me. And when we came back from Guadeloupe, and then I heard everything was cut, and they weren't going to fund me any more, it was very discouraging.

THE COMMISSIONER: All right. Go ahead.

25

MS. CHOWN:

Q. However, at the end of 1986, when you spent the year in British Columbia, you decided to return to the east. I gather you were still unclear at that point about whether you would return to track and field. And, in fact, you took a job at a gym in Toronto in the spring of 1987?

A. That's correct.

Q. However, in the summer of 1987, I understand that you were approached to see whether you would be interested in participating as a member of the bobsledding team?

A. Yes.

Q. As we have heard from another witness, Mr. Mowatt, preparations were underway in the summer of 1987 to get Canada's team ready for the winter Olympics in Calgary in 1988 for bobsledding?

A. Yes. I was invited to a camp in Ottawa where approximately I think 25 former sprinters and bobsledders were at. From these 25, the team to go to Calgary would be picked.

Q. And were you --

THE COMMISSIONER: Out of the 25?

THE WITNESS: I think, yes.

THE COMMISSIONER: All right.

MS. CHOWN:

Q. Were you, as Mr. Mowatt, had you had any contact with bobsledding prior to this camp in July of '87?

5 A. No, none at all, it was all new to us about but because sprinting and block work in general in so closely resembling to what bobsled is, the transition wouldn't be very hard.

10 Q. Did you receive any indication from the bobsled coaches at this camp you attended as to whether you would likely make the team?

15 A. Yes, I talked with the coaches and they basically reassured me that I was already on the team. I was approached by Chris Lawrie who was one of the top drivers, he wanted me to be his brakeman or his -- the big man out of the whole -- for his four-man team.

So, basically it was -- I didn't see any problem in making the team.

20 Q. All right. Now, I understand the rest of the participants at the bobsled camp were to go on to Calgary for something called a "push camp". Was that simply further training?

25 A. Yes, I was informed of that, and I was -- they sent me tickets a few days after I came back from this camp to attend the Calgary camp.

Q. But, however, what happened at that same time is you were training up at York University and I understand that you ran into Mr. Francis sometime in late July or early August of 1987?

5 A. Yes. The first -- when I first went to the bobsled camp, I approached that camp from just a weightlifting point of view. I, at that point, I didn't run for approximately six months, seven months, so I just showed up at the camp simply with a weightlifting
10 backgrounds since I was working at Gold's Gym. And I did really well. So, I figured if I did a bit of training, I could do even better. So, I decided to train at the track center at York University. And at that time, I ran into Charlie once again, and Charlie persuaded me that I should
15 drop bobsledding and try to go for Seoul.

Q. All right, go to Seoul?

A. Go to Seoul.

Q. Participating in your 400 meter event?

A. Event, yes.

20 Q. And I take it as a result of that meeting with Mr. Francis, you indicated to the bobsled team that you would not be participating in further camps with them?

A. Yes.

25 Q. And, in fact, you then resumed training

with Mr. Francis in the summer of 1987 and continued that up to the end of 1987. We will be covering this period in a little bit more detail later.

A. Yes.

5 Q. But you made a second decision at the end of 1987 again that you would once more leave track and field?

A. Yes.

10 THE COMMISSIONER: The end of '87 then?
Did you train for how long then in '87.

THE WITNESS: In 1987, this was I would say middle of July.

THE COMMISSIONER: Yes.

15 THE WITNESS: I started to train middle of July, and started my track and field training I would say the end of July --

THE COMMISSIONER: All right.

THE WITNESS: -- beginning of August. It was just before the team went to -- went to Rome.

20 THE COMMISSIONER: I see.

THE WITNESS: For the world championships.

MS. CHOWN:

25 Q. And you continued that training up until November-December 1987?

A. Yes, I did.

Q. And --

A. December, as far as I remember.

Q. Then you made a decision at that point
5 that you were going to leave track and field?

A. Yes.

Q. And you did not participate in any
competitions for track and field in 1988.

A. Yes, even though I was ready for them.

Q. And flowing from that as well you did
10 not attend at the Olympics in Seoul in September of 1988?

A. That's true.

Q. Thank you. Mr. Sokolowski, I would now
like to turn to your knowledge and information about
15 performance enhancing drugs, and, in particular, steroids.

You have told us that you attended college
in the United States in Springfield, or at Springfield in
Massachusetts. While you were at Springfield, did you
become aware or have any exposure to steroids?

A. Indirectly. My school, being a
20 Division 2 school, wasn't at an extremely high level track
and field. So, the athletes that competed at my school
weren't really -- how should I put it track and field
wasn't there life as some other higher level athletes.

25 The people I did run into at the track did

not compete at my school, but competed for professional track clubs in the United States. I remember one ran for the Pioneer Track Club. And I remember he trained at our track and field facility, and I remember speaking to him
5 about steroids and some of the "juice" as he put it.

THE COMMISSIONER: Some of the what, I didn't hear?

THE WITNESS: Some of the juice and things that athletes that he competed against --

10 THE COMMISSIONER: When was this?

MS. CHOWN: This would be --

THE COMMISSIONER: This is back at Springfield now?

15 THE WITNESS: This would be the fall of '83 from 1980 to the fall of '83.

MS. CHOWN:

Q. You had some discussions with at least one athlete about the use of steroids?

20 A. Yes. And at some meets you would see certain athletes that would look slightly different from season to season and the changes were so drastic that everybody knew that something was being involved.

25 THE COMMISSIONER: You mean their physique or their performance?

THE WITNESS: In physique; performance as well. Performances would, of course, be better.

MS. CHOWN:

5 Q. All right. But did you yourself take any steroids or any other performance enhancing drugs while you were at university in the United States?

A. No, I didn't.

10 Q. Now, we have heard in your earlier testimony that you joined the Scarborough Optimist Track and Field Club in the summer of 1983?

A. Yes, that's correct.

15 Q. Prior to joining the Scarborough Optimist group, had you heard any rumors about steroid use by Mr. Francis' athletes?

A. No. I didn't really have any contact with any other track and field runners in Canada up to that point, so, no.

20 Q. When you joined Mr. Francis's group in 1983, and began to get friendly with the athletes in his group, did you ever have any discussions with any of Mr. Francis' athletes about either their own use or others use of steroids?

25 A. In fact at the point when I joined the group in '83, it was a matter of a -- even a week or a

couple of weeks and the talk of steroids and drug use among international athletes and so on was rampant, I mean --

Q. Within this group?

5 A. Within this group. I don't want to include everybody, because the people basically I talked with about the stuff was Angella Taylor, Angella Issajenko now, Tony Sharpe, and Charlie.

Q. Mr. Francis?

10 A. Yes.

Q. Now, I understand that you believe you first had contact with Dr. Astaphan in the fall of 1983, shortly after --

15 THE COMMISSIONER: Ms. Chown, I propose that we adjourn now until 2:15.

MS. CHOWN: Thank you, Mr. Commissioner.

THE COMMISSIONER: Until 2:15.

--- Adjournment.

20 --- Upon resuming.

THE COMMISSIONER: Yes, Mr. Armstrong.

25 MR. ARMSTRONG: Mr. Commissioner, if I may before Ms. Chown continues, if we could have a break at some point this afternoon, perhaps if it's convenient

around 3:15. We are in the position where we -- one of our next witnesses is out of town, others are here and there, and we want to be able to assess the situation and see where we go.

5 THE COMMISSIONER: Very well. Thank you.

THE COMMISSIONER: Ms. Chown.

MS. CHOWN:

Q. Thank you. Mr. Sokolowski, just before
10 the luncheon break, we were talking about the first time that you became acquainted with Dr. Astaphan. And I believe I had suggested to you that that was in the fall of 1983, but, of course, on reflection over the lunch break you, were still at college in the United States at
15 that time.

So, would it be correct to say that it was at some time in early 1984 that you first met Dr. Astaphan when you came back to Canada to train full time with Mr. Francis?

20 A. Yes, that's correct.

Q. How did it come about that you saw Dr. Astaphan?

A. I had -- basically I didn't have a family physician or doctor in the city of Toronto, and
25 through Charlie and the group I heard of Dr. Astaphan

dealing in sport-related injuries and so on. And I had problems with my feet at that point. I wasn't used to working out on an indoor surface or tartan type of surface which is very hard. And I was encountering a lot of
5 blistering and a lot of discomfort basically. Plus I had a tendonitis injury in my foot, which was caused by indoor running in the United States.

So, these -- a combination of these things I wanted them to be taken care of and looked at.

10 Q. I believe the records we have suggest you first saw Dr. Astaphan sometime in April of 1984?

A. To my recollection, yes, that would be about right.

15 Q. Did he provide you with any treatment for the problems you have described you were experiencing with your feet.

A. Yes. He looked at my feet and so on and basically gave me some advice on how I should take of of it with creams and so on and baths and tried to, you
20 know, put on -- put on types of bandages and so on and so forth.

And for my foot, with the tendon problem, he supplied me with a product which I heard of before in the United States, which was called DMSO.

25 Q. DMSO?

A. DMSO. It was a type of topical cream that is absorbed by the skin very quickly. In fact, in 15 to 20 seconds after you put it on you can taste it. That's how quickly it goes through your system, which I
5 wasn't aware of at that point, but when I received a tube of this from Dr. Astaphan it said for veterinary use only.

Q. And --

A. So it was -- it was for my understanding Dr. Astaphan talked about horse racing and
10 stuff before, too. So, I figured that that's where he got it from.

I used it -- I used the stuff on my foot for two days as he suggested and the injury which I was trying to get rid of for over a year and a half with regular
15 treatment disappeared in two days.

Q. All right. Now, we have heard earlier that the rest of Mr. Francis' athletes went to Guadeloupe for a training camp that spring, that is in 1984, but you and Mr. McKnight remained behind in Toronto?

20 A. Yes, that's correct, yes.

Q. Am I correct in understanding that at that time you and Mr. McKnight jointly decided that you would go on a program of steroids?

A. That's correct.

25 Q. Why did you come to that decision?

A. At that point Dave I guess had some kind of a run in with steroids before somewhere down the line through his running career or expertise, and he had a bottle of Dianabol.

5 Q. Dianabol tablets?

A. Dianabol tablets at his apartment. And he basically asked me if I wanted to go on a cycle with him, while they were away in Guadeloupe, as he put it to put on -- get a little power, basically. So, I didn't see
10 any problem --

Q. Did you agree to go on this cycle?

A. Yes, I did.

Q. What were your reasons for wishing to take steroids at this time?

15 A. Basically from what I saw in order to get better in Canada or to get better as an athlete, I would think, you have to compete against top level athletes, people that will push you past your limit. But if you are never allowed to compete against or never
20 permitted to compete against top level athletes, in other words, if you are never taken out of the country to compete, you are never going to get that, that experience.

25 So, basically the only thing left to do is to try to increase your performance another way. And that was one of my main reasons why I went on it.

Q. Did you have any information or belief at this time yourself about the extent of use, if anything, of steroids by other competitors of yours on the international scene?

5 A. Yes.

Q. What was your opinion?

A. From having talks with Angella Issajenko and with Charlie and from seeing films and from past experiences, and putting the pieces of puzzle together, from different athletes and seeing how their bodies have changed and physique changes and drops in performance and so on and so forth, I came to the conclusion that that's the only thing they could be doing.

10

Q. All right. Now, I understand that you and Mr. McKnight thereupon worked out a cycle of Dianabol to take over approximately six weeks?

15

A. Six weeks, yes.

Q. Did you complete this cycle?

A. Yes, we did as far as I remember. We might have been off by one week because Charlie came back and he saw what was happening and he said that you don't need to do that.

20

Q. All right. Let me just take you back one step there.

25 A. Okay.

Q. I take it that prior to Mr. Francis' return, he -- you hadn't told him before he went away that you intended to do this?

A. No, no, I didn't. Basically Dave and I took this on ourselves. And at this point, the way Charlie trained us was I would come to the Track Center, he would basically layout what I would have to do that day and he would leave. So, I was sort of one of his upcoming athletes, but I wasn't on his priority list.

Q. Did you personally notice any effects from the cycle of Dianabol that you were on?

A. Absolutely. In a matter of three, three-and-a-half weeks, my bench press was over 300 pounds, we were squatting close to 750 pounds.

Q. Can you tell me what you had been able to do prior to the cycle --

A. Prior to that, I was maybe squatting closer to 400 pounds, high 300s, bench press was maybe 230 pounds tops.

Q. Did you notice increased muscle bulk?

A. Yes. The muscle bulk tended to be more, as I found out later, water retention.

A. Right.

A. Which also contributed to myself becoming a lot tighter and not as flexible. And what

happened later on, as I figured the result of that, was the reason why I pulled later on that winter, in February.

Q. Well, you injured yourself?

5 A. When I injured myself in training. I also became very aggressive, obviously, because it's a hormone. And in one of our workouts, we were doing sets of 60 meter sprints up and down the track, and on one of those I think I pushed a little too hard, and one of my hamstrings went.

10 Q. And had you gotten advice from anyone else besides Mr. McKnight as to the structuring of the cycle of Dianabol?

15 A. Yes, we got the idea -- well, I got the idea previously from talking with Angella Issajenko. She was talking to me about the pyramiding method.

Q. Yes.

20 A. Of taking of taking small amount of a substance and then pyramiding up to a high level in the middle of the cycle and then coming back down again to avoid the side effects of, I guess, coming off rapidly.

Q. Now, you told us earlier that when Mr. Francis came back from Guadeloupe and saw you and Mr. McKnight, that he became aware of what you had been doing while he was aware?

25 A. As I recall, the exact time he did was

he knew we put on a bit of weight and so on and he didn't see anything wrong with that. What he saw -- what he -- he decided to put a stop to was the amount of weight we were pushing in the weight room, which to his opinion, was much to much. And I tended to agree with that later on, too. I was doing squats with 750 pounds and so on, isn't really necessary.

Q. Did you in fact tell Mr. Francis that you had been taking Dianabol?

A. Yes, at that point I did.

Q. And as a result of his reaction and the discussion that you had with him, did he subsequently direct you to Dr. Astaphan?

A. As I remember, that's basically how it came about.

Q. Now, we had heard that you had started to attend Dr. Astaphan as your physician in April of 1984. But at this point, am I correct in understanding you were directed to Dr. Astaphan specifically with respect to steroids?

A. From what I understand, my first time that I ever got an injection from Dr. Astaphan basically was -- I didn't know that I was going to get an injection. So, what I understand is Charlie probably talked to Dr. Astaphan previously and they set something up. And when I

went in, Dr. Astaphan just pulled a syringe already loaded and so on out of his desk. And at that moment there I looked at it and I assumed that, you know, it was -- it was some kind of a substance that might not be altogether legal. But I made my decision right then and there that if we are going to do it, let's do it, so.

Q. So, are you telling us that it was your assumption when you went in to Dr. Astaphan's office that first of all he would know that you were there to receive steroids?

A. To my understanding, yes, because we didn't discuss this. The only person I discussed anything of that sort with was after Charlie came back. And at that time, I went in to Dr. Astaphan's, it wasn't really much said. It was just, you know, sort of drop your pants and that was that.

Q. Okay. You said that you received an injection from him. And do you recall what color that injection was?

A. All the injections I received from Dr. Astaphan varied. They were -- a lot of them that I received were just very clear, rusty color, which I asked him what it was and he told me Inosine, which later on I realized was like a B-12 derivative.

Q. Yes?

A. And later on, as you will probably get to later, the mixtures sometimes changed in color. They were sometimes cloudy, sometimes they were a little --

5 THE COMMISSIONER: Would you ever ask him what the other substance was?

THE WITNESS: Basically, but that's the one thing he never told me. He never -- he was never specific in -- I think I asked him once or even maybe twice about what it was, but he never wanted to come right out and
10 tell me. So, I figured it was his secret I guess, trade secret, so.

THE COMMISSIONER: Well, sort of the mixture, the mixture was a secret? You knew it was a steroid, I gather, from what you say.

15 THE WITNESS: I assumed that -- I assumed that. I -- the Inosine I knew wasn't a steroid.

THE COMMISSIONER: Right.

THE WITNESS: Because I tried to read about it and so on, and I think some articles came out at that
20 time in some magazines and so on that the Russians were using it and so on. And it was -- I tried, you know, I even asked --

THE COMMISSIONER: Well, did Mr. Francis tell you what it was?

25 THE WITNESS: Mr. Francis told me it was

just -- Inosine was just a --

THE COMMISSIONER: No, the other substance?

THE WITNESS: The substance --

THE COMMISSIONER: The steroids?

5 THE WITNESS: I don't think I asked
Charlie about that. I just --

THE COMMISSIONER: I see.

THE WITNESS: It was -- I just figured it
was some type of a steroid, but --

10

MS. CHOWN:

Q. That was your assumption that what you
were receiving from Dr. Astaphan was a steroid?

15 A. Yes, after -- you know, I asked -- I
asked him, I am the type of person that I monitored my
training program and everything that did and so on and so
forth to look back at it later and to be able to analyze
it. So, whenever something new came up, I made it a point
to ask questions, but if someone doesn't want to give you
20 a straight answer, you know, I wouldn't push it.

Q. All right. Did you have any discussion
with Dr. Astaphan in these visits in 1984 at all about
side effects?

25 A. Oh, no, the side effects were never
spoken about by Charlie or the group or so on and so forth

as far as I recall.

Q. Do you recall how many shots of the cloudy or milky substance you would have received from Dr. Astaphan in 1984?

5 A. In 1984? Inosine as a whole, I got Inosine maybe twice a week over a period through to the nationals.

When it got cloudy and when I didn't get a cloudy shot, I can't recall how many times, but one thing
10 I did know is when he did put another mixture of something else in there, we definitely felt it. Like you could feel it physically 15, 20 minutes after the shot. You would get -- you would get a bit of a high.

Q. So, when you are saying he would put
15 something else in there, you are referring to the substance you believed to be a steroid?

A. A steroid, yes. You definitely knew that it was more than what you were receiving regularly.

Q. You had been on one cycle of oral
20 steroids, the Dianabol that you referred to. Did you now taking an injectable steroid, did you notice similar effects as you have described to us earlier?

A. The effects from what Dr. Astaphan was
giving me were much more beneficial to what I was doing.
25 I didn't encounter the water retention, I didn't encounter

the tightness that I did with Dianabol.

The aggressiveness was there and my ability to handle a lot more work and my recovery period was enhanced.

5 So, all the aspects that I wanted from the drug, for performance enhancing was in that as far as I was concerned.

10 Q. I would like to move you forward now to 1985, and I understand that in March of 1985, you attended a training camp in Tallahassee, Florida, with other athletes from Mr. Francis' group?

A. Yes.

Q. That training camp was in March of 1985?

15 A. Yes.

Q. Prior to going to that camp, did you go to see Dr. Astaphan?

20 A. Yes. Up to that point, it seemed that there were basically two groups with Charlie. I think Molly said it best when she said that there was a "in-group" and an "out-group". And Dave and I basically were in the "out-group". We didn't participate in the camps and so on and so forth. Charlie overseeing our training, but in a limited way. He didn't really to our effect -- to our understanding, he really didn't pull for

25

us at all.

THE COMMISSIONER: Was there a 400 meter sprinter in the "in-group"?

THE WITNESS: No, I was it.

5 THE COMMISSIONER: You were in the "out-group" you said there was an --

THE WITNESS: Yes.

THE COMMISSIONER: -- "in-group" and "out-group"?

10 THE WITNESS: Yes.

THE COMMISSIONER: Was there is a 400 meter sprinter in the "in-group"?

15 THE WITNESS: No. And -- what was I going to say -- okay. And prior to going to Tallahassee, we decided, Dave and I that the program --

MS. CHOWN:

Q. This is Dave McKnight?

A. Dave McKnight.

20 Q. Yes?

A. We decided that since our program was so on and off all through that period like sometimes we would get a shot from Dr. Astaphan, sometimes we wouldn't. It wasn't coordinated with our training. It was just sort of wishy-washy. It wasn't anything concrete.

25

Q. You are talking your steroid program?

A. A steroid program, yes.

Q. Yes.

A. So, we decided that we were going to
5 talk to Dr. Astaphan on our own and get a cycle from him
and talk to him and get him, since he was the expert on
the matter, to set us up for that spring so we would be
ready for the summer. And he -- we went to him and he
gave us a bottle.

10 Q. Now, did the two of you go in and see
Dr. Astaphan together?

A. As I recall, I think -- I think I might
have went in by myself.

Q. All right.

15 A. As I recall. But I was talking on
behalf of both Dave and I.

Q. All right. What did you receive from
Dr. Astaphan?

A. We received a bottle of the cloudy
20 substance, it was already premixed in the bottle, the
Inosine with something cloudy in it.

Q. All right.

A. That settled at the bottom, if you left
it standing for a while.

25 And he gave us enough syringes for I think

it was three-to-four week cycle, it might have been even six, I don't even remember, but he gave us enough just enough stuff for Dave and I and syringes and so on just enough to get us through Tallahassee and a little bit past.

Q. So, just so we are clear, your understanding of what was in the vial that you received from Dr. Astaphan was that it was a mixture of the Inosince-B-12 mixture and injectable steroid?

A. Yes.

Q. And did you pay Dr. Astaphan for that?

A. No.

Q. And I meant to ask you earlier, and I didn't, did you pay Dr. Astaphan for any of the shots of steroid that you received in 1984?

A. No, I didn't.

Q. All right. And did Dr. Astaphan also provide you with some tablets?

A. At one time, he gave me tablets in an envelope. It was a very minute amount of them, I think 10 or 12 pink tablets in an envelope which he took out of his desk.

Q. Are you --

A. I think it might have been -- I think it might have been in conjunction with the bottle he gave

us to go to Tallahassee, but I am not sure about that.

Q. So, you and Mr. McKnight then accompanied the group and went to Tallahassee. And while you were down there, did you and he inject each other with
5 substance drawn from this vial?

A. Yes. As I remember, we injected ourselves I think twice.

Q. Then what happened?

A. Well, what -- basically what happened
10 was one day we were sitting in our room and Charlie came in.

Q. Yes.

A. And he asked me where is, you know, where is your stuff or where is the vial. And I said,
15 well, we have got it in the bathroom. And he asked, well, let me have it. And then I proceeded to tell him, well, listen, Charlie this stuff, we got from Dr Astaphan ourselves, and there is only enough for a cycle for Dave and I, it's not for use with anybody else.

20 And at that point he blew up completely. And he started to yell at me, who did you think is more -- more important here, Ben or you. And who -- who -- who is -- who do you think has more priority here.

And at that point, you know, I have always
25 trusted in Charlie. He was my coach, I figured he knew

what he was doing.

So, as I looked at it, I figured I was wrong from what Dr. Astaphan told me. So, I said, no problem, here, you go, take it. And that's the last we saw of the vial.

5

Q. Did you observe anyone else receiving injections in Tallahassee?

A. Yes. Tony Issajenko was with us in our room, and I think I gave Tony Issajenko an injection once.

10

Q. And apart from Mr. Issajenko, did you observe any other injections?

A. No, no.

Q. So, You did not complete then the cycle of steroids that you and Mr. McKnight had planned with Dr. Astaphan?

15

A. We barely started, yes.

Q. When you came back to Toronto late in March, 1985, did you go back and talk this matter over with Dr. Astaphan?

20

A. Yes. As soon as I got back to Toronto, it was bothering me why this whole situation happened, and whether I could have, you know, misunderstood Dr. Astaphan and so on. I went in to Dr. Astaphan and he denied the whole thing. He told me that basically what happened was that Ben was supposed to come in and get a bottle of stuff

25

before he went down to Tallahassee.

Q. By a "bottle of stuff", what did you understand that to mean?

5 A. Well, the same material he gave me, this cloudy mixture.

Q. The mixture of Inosine and --

A. And the steroid.

Q. Yes.

10 A. And from Dr. Astaphan told me Ben was in there talking with him and so on and so forth, but when he left, he left the bottle on the desk.

Q. On the desk in Dr. Astaphan's --

15 A. Yes. So, he forgot to take it down, you know, he didn't have it with him. And I assume everybody assumed everybody else had it. And then when they got down to Tallahassee, nobody had anything.

Q. And that's when Mr. Francis --

20 A. And that's I think they were in a bit of a panic, and then they found out that Dave and I had it, so I think that's how that came bout.

25 THE COMMISSIONER: I don't understand. You said Dr. Astaphan said there was a mistake or something? I didn't quite -- he told you about what had transpired, how that -- what did that have to do with the bottle that you were supposed to have with McKnight?

THE WITNESS: Well, basically what happened was --

THE COMMISSIONER: Was this supposed to be Mr. Johnson not for you, is that what you are saying?

5 THE WITNESS: No. The bottle that we received, that I received for Dave and I, was specifically given to Dave and I by Dr. Astaphan. And it was intended specifically for only Dave and I.

THE COMMISSIONER: But Mr. Francis --

10 THE WITNESS: Mr. Francis told me otherwise in Florida.

THE COMMISSIONER: Then Dr. Astaphan explained how that happened?

15 THE WITNESS: Yes. And then I came back, I didn't argue with Charlie because there was -- there was a chance that he might be right. So, I just gave him the bottle and so on and so forth. And when I came back to Toronto I wanted to investigate it a little more. So, I asked Dr. Astaphan to clear it up for me.

20

MS. CHOWN:

Q. And was it Ben had forgotten, as you understood, to take a bottle?

25 A. Yes, that Ben forgot to take the supply down for him and the others, as I took it, and when they

got down there, Charlie must have asked him where is it, I don't have it, I thought you had it, and this and that and that would have interrupted their whole cycle for the whole season. And that's something very important. The
5 cycles have to be put in at certain times and if you miss two or three weeks whatever, it could throw your whole training program off.

Q. Now, did you yourself resume any steroid program for the balance of 1985?

10 A. Balance of 1985? I think after we came back in 1985, getting ready for the nationals and so on, kept on seeing Dr. Astaphan. We were getting Inosine shots and whatever other mixture he was giving us, but it was --

15 Q. Now, we have heard earlier in your testimony that 1986 was the year that you left track and field and went out to British Columbia?

A. Yes.

20 Q. So, you had nothing to do with steroids or other banned substances while you were there?

A. That's true.

Q. And that we have also heard then in 1987, you returned to track and field after meeting Mr. Francis at the track at York University in late July or
25 early August 1987?

A. Yes, that's correct.

Q. And we touched on that very briefly when I was reviewing the highlights of your competitive career, but can you tell me what discussions, if anything, you had with Mr. Francis in the summer of 1987 that dealt with steroids?

A. Well, basically when I came back to the Track Center to train for bobsled, I ran into Charlie. They were at the time training and basically taking it a little bit easier. As I recall, they just came back from Europe and they were resting up for the world championships. I think Ben and all the athletes were tired. And it was I think a two-week period there that they were training at the Track Centre and sharpening up for the world championships.

And I remember talking to Charlie, you know, what are you doing in bobsledding, Charlie made jokes about bobsled being, you know, second -- secondhand sport and so on and so forth and this and that. And basically we had a talk and he pursued me to get back into 400 meter training for Seoul.

And after thinking about it and so on, I said okay, fine, that's fine, I will do it, but we are going to have to do it right this time.

Q. Those are the words you used with Mr.

Francis?

A. Those are the words I used. It was clearly understood between Mr. Francis and I that what I meant by that was that the training regime, the drug
5 program, the physiotherapist, the funding, everything was going to be there taken care of properly like it should have in the first place. And that's the understanding we had. And he said, don't worry about it, we will take care of it when I come back from Rome.

10 Q. And what specifically were you envisaging as far as steroids meant?

A. Well, as far as steroids go, I figured as soon as he came back from Rome and he was going to start everybody else on it, I would be one of the athletes
15 included.

Q. All right. And as you have indicated, the rest of the athletes went off to compete in Europe and, in particular, the world championships in Rome?

A. Yes.

20 Q. And you remained behind at York University and really initiated your track and field training once again?

A. My training, yes.

25 Q. And when the rest of the group joined you at the beginning of September, 1987, can you describe

your physical condition at that time as compared to theirs after the competitions they been through?

5 A. At that point I was training approximately for I think about four weeks, four and a half, five weeks. I had laid down and pretty good base --

 THE COMMISSIONER: I am sorry, were you on the steroid program on these four or five weeks?

 THE WITNESS: No.

 THE COMMISSIONER: I see?

10 THE WITNESS: I was completely clean then.

 THE COMMISSIONER: You waited until they came back?

 THE WITNESS: Yes. I was waiting until Charlie came back --

15 THE COMMISSIONER: I understand.

 THE WITNESS: -- from Europe, like he told me. I was training at that point laying down an endurance base basically what you have to do for 400, running a lot of 300s, a lot of 600a and so on and so forth.

20 When they came back, what's customary for athletes to do is after a long season they will take off a week to a week and a half maybe sometimes two weeks and just active rest basically what it's called. Nothing strenuous, sort of to mentally and physically recover to

get ready and start training for the next season.

And after that two-week layoff, they came back and they started to train and some of the workouts that Charlie put them in were with me. I had been doing these workouts for last five, six weeks at that point. And they came in and, of course, they couldn't keep up.

Q. Who in particular are you referring to?

A. I remember as a fact it was Desai, Mark McKoy, Dave McKnight, Tracy Smith, I think Cheryl Thibedeau, we all trained -- I remember one training session in particular it was repeat 300 meter runs with I think a minute and a half to two minute recovery. And I was doing 12, 12 in a row. And I think they dropped out after about 7 or 8. So, that was -- that was where I was at and that's where they were at at that point.

Q. Did you bring up the topic of steroids again with Mr. Francis at this time?

A. Yes, I did. I once again when he got back, I approached him at the track again, and I said, listen, you know, when are we going to start and so on and so forth. And he said, don't worry about it, everything will be taken care of.

Q. All right. What then happened?

A. Well, what then happened is another week went by, and another week went by, and another week

went by and I started noticing people started to turning
into horses and they started running me off the track and
I haven't -- I didn't stop training, my intensity didn't
stop, my training regime was on -- on cue, it was going
5 according to plan, but everybody seemed to be pushing a
lot more weight in the weight room. They seemed to be
lasting much longer time on the track.

10

15

20

25

Q. Did you draw any conclusion from that?

A. Oh, absolutely. Everybody went on the, you know, steroid program and Charlie kept me out of it, once again.

5 Q. Did you bring the topic up with him once you had noticed these changes in the other athletes?

A. At that point, I was starting to get very discouraged and I figured, you know, that if Charlie -- if that's the way he's going to play, he's
10 going to play that way.

At that point, I started noticing Charlie tended to be a little two-faced on a few things. I didn't basically didn't approach him about that. I started to sort of drift away from Charlie at that point.

15 Q. And is it at this time then that you made a direct approach to Dr. Astaphan on your own behalf concerning steroids?

A. Yes. I talked to Dr. Astaphan and I said, listen, you know, the system they're on and so on
20 and so forth, you know, why isn't Charlie treating me the way he would to these other athletes and so on and so forth.

Astaphan, from the impression I got, thought that I was on the same stuff that everybody else was.

25 Q. Right.

A. So whether that was a miscommunication or whatever between Charlie and Dr. Astaphan, I don't know. But he said, okay, don't worry about it, I'll take care of it and that was that which, later on, Waldemar Matuszewski came into the picture.

Q. All right. And how -- what did Mr. Matuszewski have to say?

A. Well, basically, Dr. Astaphan gave Waldemar Matuszewski the substance in the vials.

Q. Mr. Registrar, if I might have Exhibit 117-A, please?

You're saying that it was your understanding, was it, that Dr. Astaphan gave Mr. Matuszewski a vial?

A. Yes.

Q. And I'm putting before you Exhibit 117-A. Can you look at that vial and tell me if the vial that you saw, that Mr. Matuszewski had, was similar to that?

A. Yes. He had two vials basically, maybe he had more, but the ones that I saw that he always mixed the syringes in was a vial like that with that mixture and another one with what I took to be inosine.

Q. And did Mr. Matuszewski tell you that he had received these vials from Dr. Astaphan?

A. Yes. He, in fact, had a list of the amounts that he was supposed to give me and how many and so on and so forth.

5 Q. As we've heard referred to earlier, a protocol written out of days and dosages?

A. Yes. I never looked at it because I figured he knew what he was doing. And he said, don't worry, Jamie told me this is for you and so on and so forth. He was to load the syringes downstairs in his
10 room.

Q. All right. We're going to come to that in a minute.

A. Okay.

15 Q. So, it was your understanding then, that Mr. Matuszewski was going to be the one who would administer injections of the inosine/steroid mixture to you?

A. Yes.

20 Q. And did Mr. Matuszewski tell you what was in the vial of milky white substance that he had? Give it a name or ---

A. Estragol might have been mentioned. We never really talked about it in pharmaceutical terms. It was just this stuff or you're going to get your shot or
25 this or that. It wasn't referred to on a chemistry level

by anybody.

Q. Now, you referred to Mr. -- where Mr. Matuszewski was living. Just so we have this clear, I understand that both you and Mr. Matuszewski had flats in the house of George Van Zeyl?

A. That's true.

Q. And had you become reasonably friendly with Mr. Matuszewski since you joined Mr. Francis' group?

A. Yes. Mr. Matuszewski is Polish, as you may take it, and so am I; we both speak Polish language and we became chummy, friendly, from the track and we talked about all the aspects of what's going on at the track and what's happening here and there and just overall. Mr. Matuszewski is very well versed in rehabilitation procedures and so on and he's a real professional.

Q. So it didn't surprise you then when Mr. Matuszewski indicated that he had these vials and he was going to be administering the shots?

THE COMMISSIONER: I think Dr. Astaphan told that you Mr. Matuszewski would give you the injections, is that right?

THE WITNESS: No, actually what Dr. Astaphan said was that he was going to take care of it at that point.

THE COMMISSIONER: He didn't tell how ---

THE WITNESS: He didn't really tell me how
and I think it was a day or so ---

5 THE COMMISSIONER: Mr. Matuszewski was the
one who said he had the stuff.

THE WITNESS: He let me know. I think he
called me downstairs one time and he said, listen ---

THE COMMISSIONER: I'm sorry.

10 MS. CHOWN:

Q. So, that wasn't surprising to you. You
were reasonably close to him at that point?

A. At that point I was close and I
considered he knew what he was doing.

15 Q. Did Mr. Matuszewski keep the two vials
that you referred to in his apartment in Mr. Van Zeyl's
house.

A. Yes, downstairs. He kept it in the bag
in the corner of the room.

20 Q. This was the bag that he kept his
physiotherapy massage supplies in?

A. Yes. Bandages, cream and so on and so
forth. He kept the vials in that.

25 Q. And did he also have this written
protocal, that you've described, for you? Did he keep

that in his apartment, as well?

A. Yes.

Q. And we're still therefore in the fall of 1987. Did you go down to Mr. Matuszewski's apartment and receive injections from him?

A. Yes, I did.

Q. Can you indicate over how many weeks and how many injections you would have received?

A. Maybe three -- three weeks -- over a three week period. Maybe two injections a week.

Q. And would you observe Mr. Matuszewski draw up the fluid?

A. Yes. He always did it in the same way. He would take the bottles out of his bag, bring it to the -- he had a desk in his room and there was a bed beside it and a little table beside the bed and he would always draw it up right there in front -- I think that was the best light.

Q. And did you see him draw fluid out of both vials that he had for you?

A. Yes. And he always -- he drew it out in different mixtures, according to what, I guess, the paper would say.

Q. Now, did you ever observe Mr. Matuszewski inject any other athletes?

A. Yes.

Q. Who did you observe him inject?

A. Mr. Pavone.

Q. That's a name we haven't heard. Who is

5 Mr. Pavone?

A. He's an Italian sprinter who came and trained with Charlie and us for a period of time in the winter.

10 THE COMMISSIONER: His name has come up before, Ms. Chown. We've heard the name, I think.

THE WITNESS: I think his first name is Pier Francisco.

MS. CHOWN: Yes, Mr. Armstrong reminds me that Mr. Francis mentioned him.

15

MS. CHOWN:

Q. Mr. Pavone had come to Canada to train with Mr. Francis in the fall of 1987?

A. That's correct.

20 Q. And did you meet Mr. Pavone when you were training that fall?

A. Yes.

Q. Become friendly with him at all?

A. Yes, right.

25 Q. And did you know why Mr. Pavone had

come to Toronto?

A. Well, one of the -- he came into contact first with Charlie's group in Rome. He had problems in a semi-final heat at the world championships with his leg. He had a cramp in his quadricep and, I guess, Waldemar Matuszewski took care of it so he was able to run or at least show up for the final at the Rome World Championships.

And at that point, I think he was impressed and then he talked with -- after what Ben did and so on. It was to my understanding that he wanted to go on the same program basically as Ben. Since it had worked for Ben, he figured he would try it.

Q. And when you say the same program as Ben, what do you mean?

A. When I say the whole program, I mean the overall training, physiotherapists and steroid program.

Q. And you've indicated that you observed Mr. Matuszewski administer an injection to Mr. Pavone?

A. Yes.

Q. Where was that injection given, what location?

A. At the hotel, Novotel, where Mr. Pavone was staying the whole time.

Q. How did it come about that you were present while this injection was being given?

A. Well, as I did on numerous occasions, I was downstairs talking with Waldemar and it was basically gossiping about this and that and he -- I was also, I remember, I was telling him I was tight and I was asking him if I could get a bit of a massage or something after a hard workout. And he said he can't because he has to go to Pavone's and give him a shot. I said, I see. And he loaded up the stuff in front of me into a syringe.

Q. Now, let me just stop you there. When Mr. Matuszewski indicated he had to give Mr. Pavone a shot, had you been aware, prior to that time, that Mr. Pavone was receiving injections of any sort?

A. Oh, I figured that, yes.

Q. Had you any direct knowledge of that, prior to this?

A. No, I had never seen him do anything before that.

Q. And did Mr. Matuszewski then prepare a syringe for Mr. Pavone in your presentation?

A. Yes.

Q. Can you tell me what he did?

A. Well, basically he took two bottles of the white liquid and the inosine and he mixed it. I

remember it was quite a bit of the white stuff.

I was surprised because of the amount of white liquid that he used for me was much, much less than he did for Pavone. Pavone, I remember, his syringe was quite a bit of the white stuff and I later asked Waldemar why he used so much and he was saying well he's trying to get a little stronger and muscle up and I remember that at the track.

THE COMMISSIONER: Well, you didn't actually see Mr. Matuszewski -- he took this and gave it to Mr. Pavone where, at Mr. Pavone's place?

THE WITNESS: Yes.

THE COMMISSIONER: Not where you were staying?

THE WITNESS: Yes, at the hotel where Mr. Pavone was staying. I was there.

THE COMMISSIONER: Oh, you were there, I'm sorry.

THE WITNESS: Yes.

MS. CHOWN:

Q. I understand, Mr. Sokolowski, correct me if I'm wrong, Mr. Matuszewski however prepared the syringe at his apartment.

THE COMMISSIONER: I understand he prepared

it. Did you go with him to Mr. Pavone's?

THE WITNESS: Yes. Like, he suggested, Waldemar suggested to me that since he can't give me a massage right now because he's in a hurry, maybe I should go with him to the Novotel because there is a swimming pool and a sauna and, to relax my muscles, maybe I should take a swim and a sauna. So, I should go there. It sounded like a good idea so I just packed up and went with him.

10

MS. CHOWN:

Q. And did you go into Mr. Pavone room with Mr. Matuszewski?

A. Yes.

15

Q. Tell us what took place there?

A. well, I walked in and stuff and everything was nice -- nicey-nice and then I remember Waldemar took out the syringe out of his bag and so on and Pavone got a little hesitant for a minute and then Waldemar said don't worry, he's okay and this and that and.....

20

Q. You interpreted by that that Mr. Pavone would be hesitant about your presence in the room?

A. About my presence in the room and what was happening and this and that and.....

25

Q. Mr. Matuszewski reassured him?

A. Yes, reassured him and everything was fine. I was standing by the windows and they were by the bed and, basically, Pavone just lowered one side of his track pants and gave him the injection.

Q. And this was an injection using the same syringe that you had observed Mr. Matuszewski prepare earlier?

A. Yes, because it was a pre-mixed syringe which I saw Waldemar put into his bag and then, once again, take out of his bag in the hotel and give it to Pier Francisco.

Q. Did Mr. Matuszewski ever indicate to you whether he had administered other shots to Mr. Pavone of a similar mixture?

A. After that, it was on a regular basis. He always used to, from what I understood, there was a financial arrangement between Waldemar Matuszewski and Pavone for his services, for his physiotherapeutic services and so.

He always used to, on almost on a daily basis, being flying back and forth to the hotel and back. And I remember that because a lot of times Waldemar would be very tired. He would spend and massage many people at the track centre and then come back and just gobble down

some dinner and take off to see Pavone.

Q. And Mr. Sokolowski, I'd also like to take you to mid-November 1987 to a discussion that you had in Mr. Matuszewski's apartment with a coach who had come, a Polish coach who had come to Canada to give a clinic?

A. Yes.

Q. Do you recall having a discussion with such an individual?

A. Yes. I met the coach briefly at the track centre. He was giving a clinic. He was a hurdle coach from Poland. We spoke briefly at the track centre in Polish and so on and later on, Waldemar brought him to the apartment and I had a discussion with him about setting up some kind of a training program that I could coach myself, basically, because I was seeing Charlie dropping out of the picture at that point.

Q. So you were looking to this coach to perhaps provide you with some information and training advice?

A. Yes, since I didn't know of any coach with any type of useful knowledge in the 400 metres in Canada, I was -- I was forced to try to look for knowledge someplace else, outside.

Q. Okay. And did you talk about entering into an arrangement with this coach that he would send you

information on a monthly basis?

5 A. Yes. In fact, he suggested that he
could, via letter, he could give me whole training
programs, drug programs which would be included in the
training programs to see when you're supposed to be on
certain things and when you're supposed to get off and
what to use and what dosages and how to train.

THE COMMISSIONER: Who was this? I'm sorry.

10 MS. CHOWN:

Q. Do you recall this coach's name?

A. Coach's name? Good question!

THE COMMISSIONER: Well, you say there is an
advertisement? How did you get in touch with this coach?

15 THE WITNESS: Oh, there was just a clinic at
the track centre on one of these days that I was training.

THE COMMISSIONER: Oh, I see. I'm sorry.

THE WITNESS: There was -- I remember they
closed off the 60 metres lanes to use hurdles.

20 MS. CHOWN: Am I correct that --

THE COMMISSIONER: I thought you said there
was an article as to what services were going to be
supplied.

25

MS. CHOWN:

Q. Let me back up a few steps here. Was this coach's name Szczepanski?

A. That sounds right.

5 Q. Had he been invited by York University to come and give a clinic in Canada on hurdling?

A. York University or maybe the OTFA, I'm not sure.

10 Q. But the discussions that you were having with him were to the effect that when he returned to Poland you would like to -- really, he was going to provide you with information by letter, on a monthly basis from Poland, about your training?

A. Yes.

15 Q. And about drug programs?

A. Yes.

Q. Now, was there any payment to be involved for this information?

20 A. Yes, he nicely summed it that I could also include \$50 American with my letters.

Q. And did anything else take place in that conversation -- first of all, let me ask you, was Mr. Matuszewski present while you were having this conversation with the coach?

25 A. Yes, Mr. Matuszewski was, I think,

preparing dinner at the time for himself. He was walking around and so on and George Van Zeyl was also in the room also but we were all speaking Polish so it was, you know, I understood it. He didn't understand what was happening or ---

Q. Mr. Van Zeyl did not speak Polish?

A. No.

Q. But the three of you were speaking in Polish?

A. Yes.

Q. Was there any conversation between the Polish coach and Mr. Matuszewski?

A. Mr. Matuszewski -- the Polish coach, when he was finished with me, he got up and he sort of mentioned to Waldemar, they must have talked about it beforehand, did you get me that stuff or whatever I want this and this and that. And, do you have a doctor you can go to and get the prescription filled and this and that.

Q. These were the questions that the coach was putting to Mr. Matuszewski?

A. Yes.

Q. All right.

A. And Mr. Matuszewski said, yes, no problem, so on and so forth, I'll take care of it and this and that. I took it to -- I understood it that he wanted

some kind of drugs that he couldn't get in Poland basically.

Q. Did you know what kinds of these drugs were?

5 A. In fact, I think he even mentioned it. He goes, you've got it -- to get me that stuff because I can't get it.

THE COMMISSIONER: What kind of stuff are you talking about?

10 THE WITNESS: I have no idea. I don't have any idea.

MS. CHOWN:

15 Q. Did you understand whether these drugs were steroids?

A. Yes, I assumed they were some kind of an enhancing drug.

20 THE COMMISSIONER: It wasn't specified or at least you didn't understand whether they were speaking of a specific drug?

THE WITNESS: No. They might have mentioned names but it was just in passing. They weren't talking to me; I was in the room.

25 THE COMMISSIONER: Because we've heard evidence in other phases of this Inquiry that you can get

steroids in Poland, too.

THE WITNESS: I'm sure you can. I'm sure you can get it everywhere.

5 THE COMMISSIONER: I wasn't quite sure what would be in Canada couldn't be got in Poland.

THE WITNESS: It's just that different type of steroids give athletes or effect athletes in completely different ways. So....

THE COMMISSIONER: I see.

10 THE WITNESS: So, it's crude hormone are that are available in the east might ---

MS. CHOWN:

15 Q. Did Mr. Matuszewski provide anything to the coach to your knowledge?

20 A. Later on he came -- he came back, I think, to pick up a suitcase or something. They went out and then they came back because Waldemar had to drive him to the airport and he gave him a bag, it was a white bag stapled together, with, you know, with -- it was -- when you get a prescription, it's a white piece of paper and then the pharmacist will give you -- fill the prescription and then the original prescription, whatever, he'll -- or a photocopy of it, he'll put it over the top and staple
25 it, to indicate what it was. So that's what I saw.

Q. Did you know what was in that bag?

A. I remember talking with Waldemar, what it was this and that and he said -- names once again -- evades me. I don't remember what specific drug it was but
5 I understood that it was a steroid.

Q. This was a conversation you had with Mr. Matuszewski?

A. Yes.

Q. After?

A. Afterwards. It was just in passing.
10 Like, what was that stuff, this and that, and what I'd like to stay, too, when I was having that conversation with the coach about developing a training program for me and so on, he made it absolutely clear to me, absolutely
15 clear, that in order to go -- in order to try to be an international athlete or to compete at that level, drugs are just a way of doing things. That's it. I mean, you either do it or don't even bother running.

THE COMMISSIONER: That's what the Polish
20 coach told you?

THE WITNESS: Yes. It was just routine to him. It wasn't anything specific, this and that. It was well, you know, here and here you do endurance work and here and here you go on a steroid program. Here and here
25 you start cutting back, and this and that and so it's all

packaged together but it's all part of the training regime.

MS. CHOWN:

5 Q. Finally, Mr. Sokolowski, just to finish here, returning to your own situation then in late 1987, we've heard that you received a series of injections of what you believe to be Estragol from Mr. Matuszewski?

A. Mm-hmm.

Q. In the fall of 1987?

10 A. Yes.

Q. You believed over two or three weeks. And can you tell me what your physical condition was at that time in the fall of 1987?

15 A. It was very good. I was running well, training was going well. I was, at that point, physically and mentally ready to race.

Q. Okay?

20 A. And once again, the track meets started in the winter. I think that year we had some kind of a circuit that was put together in Canada. There was a meet in Ottawa, there was a meet in Hamilton, there was a meet in Toronto, as I remember.

25 It was three or four meets and I was very surprised that Charlie didn't put me in any of these meets even though he put other athletes in his group into them

that were, I would say, inferior to me, at that point, in performance.

Q. You're talking about meets for the indoor season in early 1988?

5 A. Yes.

Q. And was it about this time, as well, that you were having problems with your knee?

A. Yes. At that point, too, I -- since I wasn't getting physiotherapy on a regular basis, at the track centre, I was told by Charlie in one way or another, basically, and Waldemar, that there isn't time for me to get therapy; there's other people ahead of me, which I understood to be -- I'm in the out group, they're in the in group so I guess I don't get any.

15 Because of that reason, I started developing tendonitis, patellar tendonitis in my right knee. It was bothering me for an extended, long period of time. Before workouts I had to put creams and so on, analgesic creams on my knee so I could train.

20 Later on, Waldemar diagnosed it as being acute tendonitis of the patella and he said the only way of really to get rid of it is to take two or three months off.

Q. As a result of that advice of Mr. Matuszewski and your own view of the way the situation had

25

worked out between you and Mr. Francis, were these factors in the decision that we've heard about earlier for you to leave track and field?

A. Basically, yes.

5 Q. And did you make that decision at the end of 1987 or early 1988?

A. I made -- yes. I made one of my main decisions was, I went to the Toronto Star Games. I got tickets from Dr. Astaphan, in fact, and I sat with Dr.
10 Astaphan at the Toronto Star Games and he was very surprised that I was sitting in the stands.

Like, I got tickets for my wife and some friends and stuff. He didn't expect me to be sitting in the crowd. I guess he figured I was going to be racing
15 and that's when I knew something was up, when he told me that -- why am I not on the track and so on? And there were open lanes and a few events and some other athletes that -- like I said, again, I felt were inferior to me at that point were racing and I wasn't and I knew that
20 something was up. Charlie had it in one way or another and the whole program -- if the training program and the drug program and physiotherapy, everything is not cohesive together, you're not going to get anywhere together.

So, it was like banging my head against a
25 wall. So I decided to end my career right there for the

second time.

Q. At the time that you made that decision, were you -- had you still been receiving the steroid injections from Mr. Matuszewski?

5 A. No. No, I wasn't. I -- at one point, they were stopped. Either my cycle ran out or I just stopped or he ran out of stuff. I don't remember, but it just stopped. And at that point, I -- I was starting to think about football.

10 Q. And did you resume any steroid use after the injections finished with Mr. Matuszewski?

A. Yes. Afterwards I decided that since I had been training all these months and I was in peak condition, I go, I should get some steroids and go on a
15 program of my own and since this is the winter and springtime in a few months will be football season, I will go ---

THE COMMISSIONER: You're now in the winter of '87.

20 MS. CHOWN:

Q. '88?

A. '88.

THE COMMISSIONER: '88, right?

THE WITNESS: Since springtime, football
25 season was going to be around, the camps were going to

start opening up. I would just transfer all my hard work and so on towards that, so it wouldn't have been a waste for me to be training all those months and so on for nothing.

5

MS. CHOWN:

Q. Using the training you had down in the fall of '87 and early '88 to build on this to try out for a football team?

10

A. For football, yes. Prior to this I had contacted -- in 1987 when I worked in Gold's Gym, I had contact -- I trained with Bob Brock who used to be a fullback for the Argonauts and I also had contact with B.C. Lions.

15

THE COMMISSIONER: With who?

THE WITNESS: The B.C. Lions.

THE COMMISSIONER: Oh, yes.

20

THE WITNESS: In Kelowna before, I talked with them before. So the matter came up again and I started to show interest in that and I figured in order to get into football, I would have to put on some size, definitely.

25

THE COMMISSIONER: You're talking about the football for the fall of '88 then -- or the summer of '88?

THE WITNESS: Yes. So, I would have to put

on some size, since the 400 metres I dropped a lot of weight.

MS. CHOWN:

5 Q. Did you go on another cycle of steroids then in early '88?

A. Yes, I received two vials from Dr. Astaphan, white and one with inosine.

10 Q. The white vial, similar to Exhibit 117-A?

A. Yes.

Q. Was that -- did you believe that to be Estragol?

15 A. Yes. Estragol or the stuff that Astaphan usually used.

Q. Did you go --

A. He told me, gone on specifically -- use that stuff, that stuff will really beef you up.

20 Q. And did you tell Dr. Astaphan what your new plan was, that ---

A. Yes, yes, I did. And he gave me that stuff. I used for a very short while and my wife and I decided that -- to go into the Canadian football league for \$30,00 a year and get beat up, wasn't worth it.

25 So I decided to pursue other interests after

that and I remember smashing the bottles.

Q. The bottle of anabolic steroids?

A. Just to get rid of them.

Q. Had you, in fact, completed the cycle
5 that you started earlier in 1988?

A. No, no.

Q. That's been your last contact with the
steroids?

A. That was my last contact and will be my
10 last contact with steroids.

Q. Mr. Sokolowski, I just wanted to come
back to one point; did you ever have any discussions with
Dr. Astaphan about arrangements that he might enter into
with Waldemar Matuszewski for their future plans?

A. At one point, in fact, when I received
15 the bottles of the stuff from Dr. Astaphan directly
after -- after Matuszewski.

Q. We're now talking about early 1988?

A. Yes. Initially, when I made the
20 decision to start to play football and I received the
bottles from Dr. Astaphan, he was at the house quite a
bit. He used to come and visit Waldemar all the time and
there was rumors, they were talking that they weren't
happy with the arrangements with Charlie Francis and that
25 Charlie owed Dr. Astaphan a lot of money for services

rendered and Waldemar wasn't happy with the financial arrangements he was getting and they were going -- they had offers to go and work in Italy and from what I understand, Pavone was setting it up in Italy.

5 They were going to transfer their expertise to Italy.

 MS. CHOWN All right. Thank you. Those are my questions, Mr. Commissioner.

 THE COMMISSIONER: Thank you. We'll take a
10 break then, Mr. Armstrong.

 MR. ARMSTRONG: Thank you.

 THE COMMISSIONER: Short break.

---Afternoon recess

15 ---Upon resuming

 THE COMMISSIONER: Mr. Pratt. I'm sorry, you're finished your examination, Ms. Chown?

 MS. CHOWN: Yes, I have, Mr. Commissioner.

20 THE COMMISSIONER: Thank you. Mr. Pratt?

 MR. PRATT: Thank you, Mr. Commissioner.
I'll try to be brief.

 MR. PRATT:

25 Q. Mr. Sokolowski, I'm representing Mr.

Francis, so you know who the players are. I'd like to go into a few areas of your evidence in relation to your relationship with Mr. Francis.

5 In 1983, I think you said, you had been left off the national team and were very disappointed by that?

A. Yes.

Q. As I understand it, at that time you were coached by Charlie Francis?

A. Yes.

10 Q. And that notwithstanding that, you discovered to your dismay that having him as a coach didn't guarantee you anything in terms of being on the national team?

A. Yes.

15 Q. So that when you made some reference to the politics in track and field, you weren't implying that you expected because of your association with Mr. Francis to automatically entitle you to a place on the team, that you had to earn it on your merit?

20 A. Later on, I was, yes.

Q. So later on you were what?

A. Later on, politics did play a large part. The way it was in track and field was that if you were a coach with the athletes and the results, you had a lot of pull. So the more results you got and the more

25

athletes with results you had, the more pull you had.

And Charlie was very close with Gerrard Mach at the time. And from what I was -- from what I saw, basically Charlie pushed the subject with the Canadian
5 Track and Field Association which was run by Gerrard Mach at the time. He usually got what he wanted.

Q. So you're saying that he was influential?

A. Very much so.

10 Q. In the fall of 1985, I think you told us, I think I have that date right, you learned to your dismay that you were not going to receive carding funding?

A. Mm-hmm.

15 Q. And the reason for that was, that you had had injuries in the season prior to that?

A. That's true.

Q. Do you recall any discussions with Mr. Francis about this -- about this problem?

20 A. Yes. I approached him on numerous occasions to see what he could do to help me because there were rumors that they were cutting back athletes and funding was going to be cut from this person and that person. There was just rumors floating around but nothing concrete.

25 So since my previous season was -- was

basically a shambles, I talked to Charlie about it, what he could do, since I knew he had the pull with the CTFA and so on.

5 Q. Did he tell you that he had made attempts on your behalf to ---

A. Yes, yes, he did.

Q. ---to get you that? Did you believe that he had made those attempts?

A. At that point, yes.

10 Q. All right. Now, when you came -- rather, when Mr. Francis and some of the other athletes came back from Guadeloupe and he learned that you were on a steroid program with Mr. McKnight, was this the first time that he had been aware that you were interested in
15 steroids?

A. Interested, per se? I would say so, yes. I talked to him about it before. Like I said before, when I first entered the group, the talk of steroids and drugs substance -- substances to enhance
20 performance were talked about regularly, about what these Germans were supposedly using or the Americans or this and that and so the subject wasn't new.

Q. Had he suggested that you use a program of anabolic steroids in your training until prior to that
25 time?

A. I think he made it made it perfectly clear that sooner or later it was going to come down to that.

Q. But he hadn't specifically said now is
5 the time or anything of that nature?

A. No.

Q. You said that you had some discussions with him around that time which resulted in you going to see Dr. Astaphan?

10 A. I think after he saw that Dave and I were trying to do the stuff on our own, I think he wanted us to point us in the right direction instead of us sort of stabbing in the dark, trial and error sort of, with our own programs. He would send us to Dr. Astaphan.

15 Q. Would it be fair to say that he wanted you to be taking the program under a doctor's supervision?

A. Yes, that's true.

Q. All right. Now, you explained that you were -- let's say, not really hitting it off with Mr.
20 Francis and he described him as being two-faced during your most recent period with him in '87, '88.

Now, do you remember Mr. Francis telling you in December, roughly December of '87 -- I'm sorry, do you remember telling him that you wanted to wait until after
25 the indoor season before starting any steroid program?

A. What year was this?

Q. I'm sorry, the '88 indoor season?

A. '88 indoor season?

Q. January, February of '88?

5

A. No.

Q. You don't recall having that

discussion?

A. No.

10

Q. Now, if I were to suggest to you that the impression that Mr. Francis had was that this was your desire, that you wanted to compete without steroids through the '88 indoor season, that he was mistaken?

15

A. I don't know how that could be because right from day one we agreed, when I came back to track and field from bobsledding, that in order to do it, I was going to do it right and we were going to start it as soon as all the other athletes started it, when he came back from Rome.

20

THE COMMISSIONER: That would be in the fall of '87 then?

THE WITNESS: Yes.

MR. PRATT:

25

Q. Well, I suggest to you, sir, there was a simple lack of communication between the two of you and

you end up passing like ships in the night in terms of this issue. Would that be possible?

A. No.

Q. In your mind it's not?

5

A. No.

Q. Now, you mentioned your unhappiness about the 1988 indoor season in that you felt you were ready to compete in a number of meets and Mr. Francis, you said, didn't enter you in the meets that you could have
10 competed in?

A. That's true.

Q. Do you remember, sir, in about December of '87, Mr. Francis having a discussion with you about the great difficulties that he was having entering you in
15 meets because you simply didn't have any track record in the previous couple of years?

A. Yes, I remember having a conversation like that.

Q. Was -- was it your opinion that Mr. Francis could dictate to meet promoters whether or not you
20 were entered?

A. As I remember, I told him my answer to that was that, if you can't get an Olympic finalist in a regular Toronto meet, I just can't believe that.

25 Q. You were an Olympic finalist in 1984, I

understood?

A. That's right.

Q. This is 1988?

A. Mm-hmm.

5 Q. In between you've had really very little competition, I understand?

A. Yes, but previous credentials should play a part in whether meet promoters will look at you or not.

10 Q. Do you recall Mr. Francis telling you about a meet in Winnipeg which he had actually entered you in, an indoor meet?

A. Winnipeg? I don't know if -- I don't recall that. It might have been. It might have been. I
15 have no recollection of that.

Q. Apparently, there was a meet, I'm advised, a meet with a meet director named Mr. Gardner, Alex Gardner and Mr. Francis recollects that you discussed -- you discussed that meet and that he, in fact,
20 advised you that this was a very good meet for your first meet because the track there was a 200 metre full size track and it would be more favourable to your leg than the shorter tracks in the earlier meets.

Does that ring any kind of a bell with you?

25 A. Might have been.

Q. So, it's quite possible that Mr. Francis did have a certain program in mind and it's quite possible he had actually discussed it with you, in relation to getting back into competition?

5 A. Now this meet in Winnipeg would that have been in December of 1988?

Q. I'm afraid I don't know.

A. December of '87.

10 Q. I think it was the month of February or so of '88 is my understanding?

A. February? It might have been.

THE COMMISSIONER: Did you ever discuss the possibility of your running in Winnipeg around that time?

15 THE WITNESS: If there was a meet in Winnipeg, we might have discussed it but my qualm with Charlie was that I was ready to go in December and he had all his athletes entered in meets in December.

20 THE COMMISSIONER: I see. You may have had a discussion about another meet but that wasn't satisfactory to you either, I guess?

THE WITNESS: No. I mean, running three months -- when you're ready to go now, there is no reason to wait two months down the road.

25 THE COMMISSIONER: I see.

MR. PRATT:

Q. Well, you mentioned that there were problems. One of our other problems was the access to Mr. Matuszewski. You, sir, were not carded at that point, I believe, in '87, '88?

A. Yes, that's true.

Q. And were you aware that the access to Mr. Matuszewski was determined largely on the basis of carding athletes first and others subsequently? Is that fair?

A. That's a fair assumption, yes.

Q. You were quite close to Mr. Matuszewski, you've told us?

A. Yes.

Q. Were you aware, through him or otherwise, that even the carded athletes were -- had long and loud complaints about the amount of access to him that they had?

A. Yes. Basically in order to get to Waldemar, you had to go through Charlie. That was always -- Charlie decided who got massages and who didn't.

Q. This was your perception of it?

A. Mine and Waldemar's.

Q. Do you remember Mr. Francis telling you, when you were about to come back to train with him,

that he thought you were the most promising 400 metre runner in the country?

A. He might have said that to me once, sometime.

5 Q. If he held that view then, why, sir, would he -- would he have turned his back on you and left you out in the cold the way you've described?

A. I wish you'd answer that for me.

MR. PRATT: Those are my questions. I'm
10 sorry.

THE COMMISSIONER: You can discuss that privately, Mr. Pratt.

THE WITNESS: I have no idea. To this day, I still I don't know.

15 MR. PRATT: Thank you.

THE COMMISSIONER: Thank you. Mr. Sookram?

MR. STEINECK: Mr. Commissioner?

THE COMMISSIONER: Yes.

MR. STEINECKE: I'd indicated to your
20 counsel that I'd have some questions. I wonder, in fairness to Mr. Sookram, whether I should go before he does?

THE COMMISSIONER: No, you go ahead, please? Mr. Sookram, you don't mind?

25 MR. SOOKRAM: No, sir, not at all.

THE COMMISSIONER: Thank you. I didn't know. I'm sorry, you weren't on the list. Ms. Chown, you let me down for once.

MS. CHOWN: I don't think so, Mr.
5 Commissioner.

THE COMMISSIONER: Or somebody did. You and I'll discuss this later.

EXAMINATION BY MR. STEINECKE:

Q. I represent the College of Physicians
10 and Surgeons. I'd like to ask you a few questions about Dr. Astaphan.

Did you -- you indicated that you saw Dr. Astaphan for things such as muscle strain and thigh sprain?

15 A. Yes.

Q. Did you also see him for conditions that weren't sports injuries like bronchitis?

A. I might have been, yes. Yes. He was basically my family doctor in Toronto at that time.

20 Q. Okay. Do you recall seeing him for problems with your nose?

A. Yes, yes, I do.

Q. And sore throat?

A. Yes, I had an infection on my nose that
25 was caused by ---

Q. And dermatitis?

A. Yes, yes.

Q. Okay. Did Dr. Astaphan ever give you physiotherapy or chiropractic treatments?

5 A. Not -- not to a great extent. All that ever really happened in his office is he would manually see where I was injured or where the muscles were ripped or so on. He usually sent me to Dr. Dick Corelli who was a chiropractor next door.

10 Q. All right. Now, in 1984, I think you said that you weren't quite sure how often you received injections that contained the cloudy material you thought was anabolic steroids?

THE COMMISSIONER: Just a moment now?

15 MR. SOOKRAM: Mr. Commissioner, I wonder where we're going again?

THE COMMISSIONER: Just a moment, Mr. -- I understand your point. Just sit down for a minute, please?

20 What are you going into? What area are you trying to follow? I don't mind you asking what advice he gave, what discussions but I don't want to go into any other aspect of it.

MR. STEINECKE: No, I'm moving to a
25 completely different area, Mr. Commissioner.

THE COMMISSIONER: What area are you on now?

MR. STEINECKE: I'm on the area of how often the -- this witness received the injections that had the anabolic steroids.

5 THE COMMISSIONER: That's all right.

MR. SOOKRAM: Mr. Commissioner, the College of Physician and Surgeons have been trying, since the beginning of this Inquiry, to becloud the drug issue and try to show without any evidence, without any background, that Dr. Astaphan may or may not have charged OHIP for
10 things that he didn't do. This is not a place for it.

THE COMMISSIONER: I'm not allowing that, Mr. Sookram, you know that. You know I'm not allowing that. I think he can ask him how many injections he gave.

15 MR. SOOKRAM: From 1983 to 1988 and expect the witness to remember?

THE COMMISSIONER: Well, what question are you asking? He can discuss the medical advice that Dr. Astaphan gave and what injections he gave. Is that what
20 you're asking now?

MR. STEINECKE: Yes.

THE COMMISSIONER: He's already told us.

MR. STEINECKE: Well, he indicated he wasn't sure and I was wondering if he would be able to
25 provide an estimate of whether it was once or twice or

whether ---

THE COMMISSIONER: Well, he said sometimes he got vitamin B twice a week and the inosine sometimes once a week, is that what your evidence was?

5 THE WITNESS: Usually it was, on an average basis, it was twice a week and sometimes it would be just an inosine, vitamin B-12 mixture. Sometimes it would be cloudy. It varied.

10 MR. STEINECKE:

Q. And this continued into 1985, as well?

A. Yes. I want to point out that it's not -- he didn't do it all the way through the year. It was just in the training seasons, in the competitive
15 seasons.

THE COMMISSIONER: About a six week period?

THE WITNESS: Yes. So, in the time it would cease would be in competitive, like late, late summer and all the way through until next fall it would just cease
20 completely.

THE COMMISSIONER: I understand.

MR. STEINECKE:

Q. Before you started receiving these
25 injections that included the anabolic steroid, did Dr.

Astaphan perform laboratory tests on you.

A. Yes. I probably gave him urine samples and blood samples. There is a lab right across from his office.

5 Q. And would these lab tests have continued on while you were receiving the injections?

A. Yes. Periodically, it would.

Q. And did these lab tests continue when you were receiving the steroids in 1987 and early 1988?

10 A. '87? Yes -- no, no. In '87 -- in '87, I didn't because Dr. Astaphan didn't practice in Toronto anymore. So...

THE COMMISSIONER: I think the evidence was that they were supposed to get their own doctor, at that
15 stage, is what we've heard so far.

THE WITNESS: I didn't have any ---

THE COMMISSIONER: Dr. Astaphan.

THE WITNESS: ---any contact.

THE COMMISSIONER: Dr. Astaphan stopped
20 practicing in Toronto, I think in the fall of '86, I think, and he didn't have an office here.

MR. STEINECKE:

Q. Yes. And did anybody tell you to get
25 another doctor?

A. No.

Q. Did Dr. Astaphan know whether or not you had another doctor monitoring you before he gave you these vials or before he instituted this program through Mr. Matuszewski? Pardon?

5

A. No.

Q. Thank you. In 1987 you said that Dr. Astaphan believed you to be on anabolic steroids at the time and he was surprised that you weren't on it with the others?

10

A. In 19 --

Q. '87?

A. '87, yes. I guess from -- my understanding was, he gave a large supply to Charlie of the substances to take care of Charlie's athletes and as far as he was concern, I was one of Charlie's athletes.

15

Q. What did Dr. Astaphan tell you that made you think this?

A. Well, when I talked to him, confided in him that the same stuff is starting again, that I'm getting put off, I'm not being treated the same as the other athletes; they're on the stuff, I'm not, what's happening here? Did you -- were you aware that I was back in the group and so on and so forth and as far as he was concerned, his understanding was that I was back in the

20

25

group and I was doing the same things that all the other athletes were doing.

Q. He told you this?

A. Yes.

5 Q. Okay. And you said that Waldemar Matuszewski had a written protocol?

A. Yes.

Q. Did you actually see the protocol?

10 A. Yes, I remember Waldemar looking at it prior to loading up the syringes.

Q. Did you recognize the handwriting?

15 A. Well, I -- I mean, he always used to pick it up and look at it and so on and used that. I never studied it. Whether it was written or whether it was typed, I have no idea.

Q. Did you notice any effect on you when you started receiving these injections in 1987?

A. Oh, yes.

20 Q. Was it the same type of effect as when you were on these steroids in 1984, 1985?

A. Actually, those effects that I was getting in 1987 were quite different from the ones I was getting previously.

25 THE COMMISSIONER: In what respect? On your performance or your strength or your muscle development?

THE WITNESS: The first thing that was very, very different was my incredible mood swings.

THE COMMISSIONER: Your mood swings?

THE WITNESS: Mood swings. I would fly off
5 the handle over any little thing. I was very aggressive
and I started to put on size again, which I didn't want to
do, which indicated to me maybe the mixture was -- maybe
there was too much steroid in it, the mixture.

10 MR. STEINECKE:

Q. Did you say you put on size?

A. I put on a bit of size, yes. I started
to put on muscle size.

15 Q. Did you notice any improvement in your
strength?

A. Well, strength obviously, yes.

Q. Then, moving to early 1988 when you
received those two vials from Dr. Astaphan?

A. Yes.

20 Q. What exactly did you tell Dr. Astaphan
before he gave you those two vials?

A. Basically I told him that I'm sick and
tired of the whole situation with Charlie and track and
field and the favouritism that's been happening and so on
25 and I was disappointed with it again and I gave it another

shot but it didn't work out and instead of wasting all this time that I've spent in getting myself in peak shape, I decided to switch to football and I think I could do it quite easily.

5 And Dr. Astaphan agreed with me and said --
I asked him if he could give me a supply of my own --
supply of steroids of my own in order for me to be able to
beef up, to get bigger. At the time, I was, I think,
under 190 pounds and I wanted to get up to about 220.

10 Q. Did you mention steroids by name?

A. Yes.

Q. And what did Dr. Astaphan tell you, if
anything, when he gave you the bottle, the two vials?

15 A. No, names weren't really ever
mentioned.

Q. Did he give you any directions about
using it?

20 A. As I remember, he did, yes. He
basically briefly told me to take two injections of -- I
forget how many cc's per week of a mixture of the inosine
and the cloudy substance.

Q. And did he give the vials directly to
you?

A. Yes.

25 Q. Now, you said that in 1984 Dr. Astaphan

did not discuss with you the risks or side effects of the anabolic steroids?

A. That's true.

Q. How about in 1985?

5 A. No.

Q. 1987?

A. No.

Q. 1988?

A. No.

10 Q. Did he ever discuss them with you?

A. No.

MR. STEINECKE: Thank you very much. Those are my questions.

15 THE COMMISSIONER: Thank you. Mr. Sookram?
Standing aside, Ms. Chown.

MR. SOOKRAM: I think I've got to pay rent for the use of this place.

THE COMMISSIONER: It fits you nicely.

MR. SOOKRAM: Thank you, sir.

20 MR. SOOKRAM:

Q. Mr. Sokolowski, did you actually -- did you ever graduate from the University?

A. No.

Q. What were your major subjects?

25 A. What were my major subjects?

Q. Yes?

A. Business, a lot of physiology, anatomy, chemistry.

Q. So, you did have some knowledge of the names of drugs?

A. Yes. My father is a physician so I grew up in a household full of medical books and texts and so on.

Q. Had you, before you joined Mr. Francis' team, heard the word Furazabol?

A. No.

Q. Stanazolol?

A. Before I joined -- no.

Q. The team?

A. No.

Q. Dianabol?

A. Dianabol, yes.

Q. Had you heard about HGH?

A. Yes.

Q. Orthinine?

A. Orthinine, no.

Q. Arginine?

A. No.

Q. Direxin?

A. No.

Q. L-dopa?

A. Yes.

Q. Inosine?

A. No.

5 Q. So out of all those 12 or 11 I
mentioned just now, just two names ring a bell?

A. Two or three.

THE COMMISSIONER: At that time. As of that
time?

10 THE WITNESS: Two or three.

MR. SOOKRAM:

Q. Did it mean anything to you at that
time?

15 A. Those names?

Q. Yes?

A. Yes, I knew what they were.

Q. You knew they were all steroids?

A. Yes.

20 THE COMMISSIONER: Which one, Dianabol
and ---

THE WITNESS: Some of them.

THE COMMISSIONER: Dianabol -- which did you
know? I thought you told Mr. Sookram that of the list of
25 names he gave you, you recognized Dianabol and what was

the other one inosine?

THE WITNESS: Inosine isn't a steroid, as far as I know.

5 THE COMMISSIONER: It's not a steroid, I don't think, no. So, of all the names you mentioned, Dianabol was the only one that was familiar with you at that time.

THE WITNESS: Yes, I heard it mentioned around ---

10 THE COMMISSIONER: You knew that to be a steroid.

THE WITNESS: Yes.

MR. SOOKRAM:

15 Q. You weren't -- I put it to you, that you weren't really interested in the name of the steroid you were getting?

A. That's true. That's true.

20 Q. And is it fair to say that Dr. Astaphan might have mentioned the name of the steroid that he was giving you and you hadn't paid any attention to it?

A. No.

Q. It's not fair to say?

25 A. No, because if he mentioned it to me, I would remember the name.

Q. You would remember the name?

A. Yes.

Q. How well did you get to know this
doctor?

5 A. Dr. Astaphan?

Q. Yes?

A. Very well. We were on a good
friendship basis. He would confide in me many times.

Q. You would confide in him, too?

10 A. I would confide in him and he would
tell me things about Charlie's group and things that were
happening and this and that. We talked freely about
things.

Q. He wasn't a difficult man to talk to?

15 A. Not at all.

Q. There came a time when he obtained
tickets for yourself and your wife to attend a meet?

A. Yes.

Q. He wasn't unapproachable?

20 A. I want to say that Dr. Astaphan was a
very good doctor, as far as I was concerned. Any problems
I ever had, as far as diagnosing injuries and so on, they
were always diagnosed and he was always right.

25 So in that department he was -- he really
knew what he was doing.

Q. See, you told us that you asked the doctor once or twice the name -- for the name of the steroid and he never told you?

A. That's true.

5 Q. And it seems difficult to accept, this relationship between you and the doctor being so close. Did you press the issue at all?

A. I asked him once or twice and I didn't press it anymore. I figured it was -- it was a
10 professional secret on his part.

Q. But before you had gone to him, you had been on....

THE COMMISSIONER: Dianabol?

15 MR. SOOKRAM:

Q. D's, yes?

A. Yes, Dianabol.

Q. And did you ask for the name of that -- that substance, before you took it?

20 A. Did I ask?

Q. Yes?

A. From who?

Q. Mr. McKnight, with whom you shared the first cycle?

25 A. Yes, we knew what it was.

Q. You knew?

A. Yes.

Q. They were oral steroids?

A. Yes, Dianabol tablets.

5 Q. Did they have the name printed on the steroid?

A. On the bottle, yes.

Q. On the bottle?

A. On the bottle.

10 Q. Not on the tablet itself?

A. Well, they're little blue tablets, as I recall, and he had them in a bottle, in his drawer.

Q. Did they have a D printed on them?

15 A. They might have had, yes. That would sound right.

Q. So I take it there is no doubt in your mind that before you had gone to Dr. Astaphan you had had at least one cycle of steroids?

A. Yes.

20 Q. And Dr. Astaphan knew that?

A. I suspect he did, yes.

Q. Did you tell him?

25 A. I personally -- I can't recall whether I told him but I'm sure he was aware of it because Charlie steered us to Dr. Astaphan. So I'm sure that they must

have talked about what happened because the effects Dave and I got from Dianabol wasn't what we wanted.

Q. I see. The stiffness and ---

A. The stiffness and the water retention and so on.

Q. But, when you went to him, nonetheless, it was for sport-related injuries?

A. Initially, yes.

Q. Yes. That would be about April 1984, if my record is right?

A. April 1984? Yes, that would be about right. Yes -- yes, sound about right.

Q. And you told us that?

A. Or March.

Q. You had some sport-related injuries which didn't seem to want to disappear?

A. That's true.

Q. They didn't want to resolve themselves?

A. Yes.

Q. And after a few treatments by him, you felt very much better.

THE COMMISSIONER: Of DMSO?

MR. SOOKRAM:

Q. Of DMSO?

A. Actually, the treatments I applied to myself. He just gave -- gave me a tube of DMSO, a brand new tube, unbroken, and he basically told me how to apply it and how to use it and I did it in the next two days.

5 Q. And it was this tube that had the -- the words, "For veterinary use only"?

A. Yes.

Q. You told us subsequently, some time in '85, Dr. Astaphan gave you syringes, this is prior to your going to the Florida camp?

10

A. Yes.

Q. Dr. Astaphan gave you syringes a vial -- and one vial mixture of inosine and some steroid?

A. Yes.

15 THE COMMISSIONER: Another vial of a steroid? Were there two vials?

THE WITNESS: No, it was all one vial.

THE COMMISSIONER: It was all mixed up?

20 THE WITNESS: Yes, it was all pre-mixed. It was just one vial.

THE COMMISSIONER: I thought you said at one time you had two vials?

THE WITNESS: Yes, that was later on.

25 THE COMMISSIONER: I'm sorry. Later on. Thank you, Mr. Sookram.

MR. SOOKRAM:

Q. And that vial had -- did that vial have any trade name?

5 A. Nothing. It was just -- there was no wrapping on it at all. It was just a clear bottle with a metal and a rubber top.

Q. Did Dr. Astaphan write anything on the bottle?

A. No.

10 Q. Stick on a label?

A. No.

Q. Did you ask him what it was?

15 A. I might have. It was just a DMSO mixture. We were aware it was the same stuff, basically that --

THE COMMISSIONER: DMSO mixture? He would be giving you DMSO.

THE WITNESS: Sorry?

20 MR. SOOKRAM:

Q. The same milky white ---

A. The same milky inosine mixture.

THE COMMISSIONER: I see.

25

MR. SOOKRAM:

Q. You didn't think it was, if I might borrow the Commissioner's phrase, you didn't think it was powdered aspirin that made it white.

5 A. No.

THE COMMISSIONER: My phrase is buttermilk.

MR. SOOKRAM:

10 Q. Buttermilk, I was coming to that. Milk powder?

A. No.

Q. Or buttermilk?

A. No.

15 Q. Did you, at that time, get 10 or 12 pink tablets from the doctor?

A. Yes, as I recall.

Q. And did you see the bottle from which he gave you those pink tablets?

A. No.

20 Q. Did he give you -- did he give it to you in a bottle?

A. No, in an envelope.

Q. In an envelope?

A. Yes.

25 Q. You don't know what he poured it out

from?

A. No, it just came out out of his --
front of his desk.

Q. Did you have a look at the bottle at
5 all? Did you see it at any time whatsoever?

A. Which?

Q. Even a short glimpse?

A. As far as I know, he had it in a big
envelope in his desk.

10

15

20

25

Q. I see.

A. And then transferred those -- the tablets into an another envelope.

5 Q. Into another envelope. Did you ask him what those tablets were for?

A. Yes.

Q. What did he say?

A. They were Winstrol.

Q. Winstrol?

10 A. Yes.

Q. I just want to underline something. From the time you started going to the doctor in 1984, he had been giving you substances which to your knowledge were steroids?

15 A. Uh-huh.

Q. Through all your testimony, I get the impression that he never asked you for payment and you never offered to pay; am I right?

A. That's true. One time he gave me bill.

20 Q. Yes?

A. At one time he gave Dave McKnight and I a bill.

Q. But he never asked you for the money?

A. No.

25 Q. You never paid him?

A. It was very unofficial, yes.

Q. Yes.

A. It was basically understood that we would take care of all that stuff later.

5 Q. Later on if you were successful?

A. Yes, if I am successful.

Q. If you weren't successful, it didn't matter --

A. Yes. That was my --

10 Q. He wanted to help you achieve your ambition?

A. Yes.

Q. To be a fast runner?

A. Yes.

15 Q. And he knew you wanted to take steroids?

A. Yes.

Q. If he didn't give it to you, would you have gone elsewhere for the steroids?

20 A. Most probably, yes.

MR. SOOKRAM: Yes. Thank you, very much.

THE COMMISSIONER: Mr. Futerman -- Mr. Bourque, I am sorry.

25 MR. BOURQUE: Mr. Commissioner, I don't know if Ms. Chown let you down again, but both and I and Mr.

DePencier wanted a few minutes with this witness.

THE COMMISSIONER: All right. Well, you are on now then.

MR. BOURQUE: Thank you.

5 THE COMMISSIONER: For the record, Ms. Chown, did not let me down. I just did not read the entire transcript.

MS. CHOWN: Thank you, Mr. Commissioner.

10 THE COMMISSIONER: So, I withdraw that and we will cancel the meeting I had arranged for you later.

MS. CHOWN: Thank you, Mr. Commissioner.

--- EXAMINATION BY MR. BOURQUE:

15 Q. Mr. Sokolowski, my name is Bourque and I represent the CTFA. And you had testified earlier today that you felt that you had been singled out at one time when you lost your carding status for 1985-'86; is that correct?

A. Yes, sir.

20 Q. Did you mean to imply by that that you were a victim of unfair treatment?

A. Yes, sir.

25 Q. And do you feel that you received that unfair treatment in the hands of the CTFA or some other party?

A. Whoever was involved in handing out the sponsorship or developmental funds for athletes, for high level athletes in Canada.

5 THE COMMISSIONER: Are you talking about the carding system?

THE WITNESS: Yes, in general.

MR. BOURQUE:

10 Q. Can you tell us now do you know what parties are involved in that process?

A. Sports Canada and I guess the sport governing bodies for the different sports.

Q. Well, in your case the CTFA then?

A. Yes.

15 Q. So, I do have your evidence correctly you were charging the CTFA with some unfair treatment of you?

A. Yes.

20 Q. Now, you testified that you had received C card status in '84-'85; is that correct?

A. '85.

Q. And are you aware that in that year the CTFA actually recommended you for B card status?

A. No.

25 Q. Returning to 1985-1986, the year you

didn't receive your carding status, are you aware that the CTFA did recommend you for carding that year?

A. No, I wasn't.

5 Q. Are you aware that after you were turned down by Sport Canada, the CTFA head coach, Gerrard Mach, recommended to Sport Canada that they reconsider their decision not to card a number of athletes, including you?

A. No, I wasn't aware of any of this.

10 Q. And are you aware that the CTFA, by now we are in early 1986, made yet a further recommendation directly to the Director General of Sport Canada that funding be provided that year for a number of athletes previously turned down including a men's 4 X 400 relay
15 team in which you were to be a member?

A. No, I wasn't aware of that.

Q. Now, I wonder if I might have Exhibit
30. Thanks.

20 Have you ever seen this booklet before, Mr. Sokolowski? It's partially covered here, but it's entitled Sport Canada Athlete Assistance Program Policy and Guidelines?

A. No, that copy I have never seen before.

25 Q. Because this one is dated '86-'87, isn't it?

A. Yes.

Q. But did you receive a '84-'85 booklet similar to this in appearance when you received your carding that year?

5 A. When -- I think the only type of brochure or anything we ever received was a little pamphlet or a little foldout. I think it was red in color at the time.

Q. Look at that one?

10 A. Yes.

Q. Did you receive anything like that?

A. Not as far as I remember, not anything this in depth, no.

Q. Would you turn to page 26 of that book.

15 A. Okay.

Q. Can you see in the middle of the page there were there is a reference to an appeal procedure, first to the national sport organization, and then to Sport Canada when carding has been withdrawn?

20 A. Are you implying, NSO must advise the athlete in writing that he or she has been recommended --

THE COMMISSIONER: Do you want to tell us what is there, it will save time.

MR. BOURQUE: Perhaps I should.

25 THE COMMISSIONER: There is an appeal

provision there if you are turned down, as I recall, but I forget the details of it now

THE WITNESS: Okay.

THE COMMISSIONER: Mr. Bourque, you can
5 tell us what it is.

MR. BOURQUE: Well, I can't now, he's got it.

THE COMMISSIONER: I thought you memorized this.

10

MR. BOURQUE:

Q. Basically there is a provision there that the NSO, as it's referred to in the government lingo, the CTFA must provide an appeal process and there is a
15 further appeal process to Sport Canada if you are turned down for carding. Is that not what it says in the booklet there?

A. Yes, it does.

Q. In the foldout brochure that you
20 received '84-'85, the year you were carded, was there a similar reference?

A. Not as I remember.

Q. Were you aware of an appeal process at the time you were turned down?

25

A. No.

Q. Did you make any inquiry whatever with the CTFA at the time you were turned down?

A. The only inquiry I made was through Charlie. I knew Charlie was involved in the administrative and things with our club, and I knew if he couldn't get the job done, nobody could.

Q. All right.

A. So, I left it all up to him.

Q. Now, you have testified that you felt you were treated unfairly on a number of occasions by different parties. And I wonder so we can get an understanding of this, can you tell me, and I don't mean to cause you any embarrassment or -- necessarily, but when you took anabolic steroids, did you consider that you were acting unfairly towards other Canadian athletes?

A. No.

Q. You didn't feel that you were putting them on a unlevel playing field in terms of attaining carding money?

A. No.

THE COMMISSIONER: Why not, because you were getting advantage over those who weren't on steroids, you know that?

THE WITNESS: Who says they weren't on it.

THE COMMISSIONER: Well, I am going to

assume that not everybody was on steroids. There's no such suggestion been made.

THE WITNES: Okay.

MR. BOURQUE: And additionally, in 1984-'85
5 when you were receiving these carding monies --

THE COMMISSIONER: As a matter of fact, you knew some -- you knew a lot of the Mazda group were not on steroids, did you not?

THE WITNESS: Yes.

10 THE COMMISSIONER: So not everybody was on steroids. And those who had taken the steroids would have an advantage over those that weren't. That's why you took the steroids?

THE WITNESS: Yes.

15 THE COMMISSIONER: All right. So, you were -- you knew and you were obviously a very intelligent person that your theory I think is in order to -- what you perceived to be international level playing field, you were prepared to forsake a level playing field for
20 Canadians.

THE WITNESS: I was -- I was training for the playing field -- for the international playing field.

THE COMMISSIONER: But to get there you were prepared to take advantage of those Canadians who
25 were not on steroids. Well, that's quite apparent, isn't

it?

THE WITNESS: That's apparent, okay. As long as none of them were using it, also.

THE COMMISSIONER: Pardon?

5 THE WITNESS: As long as nobody else was using it either, then I would have been taking advantage of it.

THE COMMISSIONER: Well, you knew a lot were. A lot in your own club weren't on steroids?

10 THE WITNESS: Excuse me.

THE COMMISSIONER: Even a lot in the Mazda group were not on steroids. We have heard that.

THE WITNESS: Okay.

THE COMMISSIONER: All right. Go ahead.

15

MR. BOURQUE:

Q. And can you tell me as well in 1984-'85, when you were receiving carding money, you realized these were money from the Canadian government, did you not?

20

A. Yes.

Q. You understood as well that you accepted these monies on the condition that you not take anabolic steroids?

25

A. Yes.

Q. In fact you entered into an athletes' agreement in which you obliged yourself as a condition of taking these monies not to consume anabolic steroids. Is that not correct?

5 A. I might have signed that contract, I am not sure if I did or not.

THE COMMISSIONER: Well, the clause is in possession of or use. The clause in the contract is the athlete agrees he will not possess or use.

10 MR. BOURQUE: Yes, that's correct.

MR. BOURQUE:

Q. And at the time then, being aware of the stipulation as you were, did you consider that you were acting unfairly towards the Canadian government and towards the Canadian people in taking anabolic steroids?

15

A. I never looked at it quite that way.

Q. Well, how did you look at it? What was your rational?

20 A. My rational was to do the best I could for my country. And looking at the situation of track and field overall in the world, there was no choice. You either do it or you don't do it. And if you don't do it, don't bother competing because you are not going to get anywhere.

25

Q. Well, did you consider that the Canadian people who were funding you, adopted your philosophy that the ends justified the means? Do you think they would have agreed with that reasoning?

5 A. I don't think the average Canadian knows what it takes to -- or what the playing field or my suggestion -- what -- what it takes to become -- or what it takes to train and to compete at that level.

10 So, I am not sure what -- what your question is.

Q. Well, I think it's fair to say they have acquired quite a bit of knowledge in the last few weeks, and including the view of yourself and others here that anabolic steroids were at one time necessary to
15 compete effectively at international levels. Is that correct?

A. Yes, and still are as far as I know.

Q. And still are. And now properly informed, do you think the Canadian public agrees with
20 you --

THE COMMISSIONER: I don't think he is in a position to answer that question, Mr. Bourque.

MR. BOURQUE: Thank you, Mr. Commissioner.

THE COMMISSIONER: All right. Mr.
25 DePencier. Thank you, Mr. Bourque. I didn't mean to cut

you off on any other questions.

MR. BOURQUE: No, that was my last question.

MR. DePENCIER: Thank you, Mr.

Commissioner.

5

---EXAMINATION BY MR. DePENCIER:

Q. Mr. Sokolowski, my name is Joseph DePencier and I am here on behalf of the Federal Government and Fitness and Amateur Sport.

10 Just one or two further questions on your 1985 decision to retire. You mentioned that you were injured much of 1985 and you had not had a good year?

A. Yes.

15 Q. And I think you said that it was in late 1985 that you made the decision to retire. And I believe you referred in your evidence that it was around New Year's that --

A. Yes, yes.

20 Q. -- you had made that decision. And in response to Mr. Bourque's questions you indicated that you weren't aware of the continuing efforts of the CTFA on your behalf into the winter of '86 concerning your carding?

A. Yes.

25 Q. And were you aware that in February of

1986 inquiries were made to Charlie Francis about your status, and that he informed Sports Canada officials of your decision to retire that had already been made?

A. No, I wasn't aware of that.

5 Q. Did you ever make any inquiries with Sport Canada concerning your carding status?

A. No.

MR. DePENCIER: Thank you, Mr. Commissioner.

10 THE COMMISSIONER: Mr. Futerman.

--- EXAMINATION BY MR. FUTERMAN:

Q. Good afternoon, Mr. Sokolowski, I represent Ben Johnson.

15 Mr. Sokolowski, can you just give me some information as to your impressions in regard to the control that Charlie Francis had over the so-called group of athletes that he trained?

20 A. Control on the playing field basically is --

Q. Yes, or on any other way that you think is relevant?

A. Charlie tried to dominate his athletes completely.

25 Q. All right. I think that sums it up.

What about his relationship, as you recall it, with Ben Johnson?

A. As I recall, his relationship with Ben was close, as with a number of other athletes in the group.

THE COMMISSIONER: Pardon, as it was with --

THE WITNESS: As with a number of other athletes in the group.

MR. FUTERMAN:

Q. Do you have any opinion as to in what regard Ben held Charlie Francis at that time?

A. I think he looked up to Charlie.

Q. Pardon?

A. I think he looked up to Charlie like a lot of us did.

Q. When you went to Charlie Francis in respect to the carding problems that you were having, did Charlie Francis at any time tell you "I can't handle this, you have to go to the CTFA or to Sports Canada"?

A. No.

Q. Did he give you the impression that he had the kind of influence that might get that kind of job done on your behalf?

A. Absolutely.

Q. And when obviously as we have had heard now that even though the CTFA recommended it to Sports Canada, it was turned down, did Charlie Francis
5 communicate that to you?

A. Yes. I asked him on a number of occasions what was my status and so on. And he would give me back reports that he is trying and this and that, and he talked to this person and that person.

10 THE COMMISSIONER: In fairness, he appears to have done that, Mr. Futerman, because the CTFA did responds to Mr. Francis' request and tried to get it through on more than one indication.

15 MR. FUTERMAN:

Q. Did he give you that information we have just heard today?

THE COMMISSIONER: Pardon.

MR. FUTERMAN: Thank you, Mr. Commissioner.

20 THE WITNESS: Periodically when I asked him --

THE COMMISSIONER: What was the question, I am sorry?

25

MR. FUTERMAN:

Q. Did he relay the information that the CTFA apparently advised of a little earlier in their examination?

5 A. He never relayed -- he never went in depth. He would either tell me, well, I haven't heard anything, or they haven't said anything, or they haven't given any answer.

10 Q. Did Charlie Francis give you any impressions -- we know about the international athletes, did he give you any impressions in your conversations with him as to whether or not the athletes in Canada, at least the athletes that you were running against in the 400 meters, were on steroids?

15 A. Yes.

Q. What was that impression?

A. That a few of them were.

Q. All right. In your conversation with Ben Johnson, did he ever mention to you steroids?

20 A. What conversation?

Q. Any conversation.

THE COMMISSIONER: I don't think --

MR. FUTERMAN:

25 Q. Did you have any conversations with

Ben?

A. No.

Q. No, you didn't --

THE COMMISSIONER: He's hardly mentioned
5 your client's name, Mr. Futerman.

MR. FUTERMAN:

Q. I want to know if there were any
conversations with Ben Johnson. Was there?

10 A. About steroids? Oh, no.

Q. And under the impression -- and in
addition to any impressions you have already conveyed,
were there any other impressions you had of Ben?

A. Ben is one of the finest athletes ever.

15 THE COMMISSIONER: I think that's the
unanimous choice of everybody who has given evidence so
far.

MR. FUTERMAN:

20 Q. And what about --

A. I feel bad for him that his name is
being dragged through the mud like it is now. He doesn't
deserve it.

MR. FUTERMAN: Thank you, Mr. Sokolowski.

25 THE COMMISSIONER: Thank you. Any other

questions? Any other re-examination.

MS. CHOWN: No, Mr. Commissioner.

THE COMMISSIONER: All right. Thank you,
very much, Mr. Sokolowski.

5 Tomorrow morning at 10 o'clock.

--- Whereupon the hearing adjourned until Thursday, April
13, 1989.

10

15

20

25

